

TOWN OF LOXAHATCHEE GROVES, FLORIDA
UNIFIED LAND DEVELOPMENT CODE

Adopted November 16, 2010

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PART I: ADMINISTRATION AND DEFINITIONS

Article 05: Administration and Legal Provisions.

Section 05-005: Purpose and intent; division of Town into districts.

(A) The purpose of this Code is to protect and preserve the high quality of living; the agricultural and rural residential character; and, the public health, safety and general welfare of the community through regulations that implement the Comprehensive Plan; and control the subdivision, use and development of land, including the use of land, buildings, structures, and other improvements thereon; protect the overall appearance of the community, and ensure the availability of public facilities and services concurrent with demand.

(B) In order to effectively protect and promote the general welfare and to accomplish the goals, objectives and policies of the Comprehensive Plan, the Town is divided into zoning districts of such number, shape and area, and of such common unity of purpose and use, that are deemed most suitable to provide for the best general civic use, to protect the agricultural and rural residential character of the Town, to protect the common rights and interests of all, and to promote compatibility between land uses.

Section 05-010: Short title; scope.

This Code shall be known and cited as the Town of Loxahatchee Groves Unified Land Development Code (ULDC).

Section 05-015: Enforcement, interpretation, purpose and conflict.

(A) The Town Manager and Town Council, as applicable, shall designate Town personnel and contractual agents of the Town, who shall have the authority to enforce the provisions of the ULDC.

(B) Where it is found that any of the provisions of the ULDC are being violated, enforcement proceedings may be initiated against the real property owner, the tenant if applicable, and any other person violating the provisions of the ULDC as provided in the Town of Loxahatchee Groves Code of Ordinances and as otherwise provided by law. Any enforcement procedure authorized by the Town of Loxahatchee Groves Code of Ordinances, county or state law, may be used to enforce the provisions of the ULDC. It shall be at the discretion of the Town Manager to determine which method of enforcement is appropriate and whether more than one method of enforcement should be brought, as provided by law.

(C) In addition to enforcement by the Town Manager, the provisions of the ULDC may be enforced by the Town's law enforcement agency, as violations of a Town ordinance and as such shall be punishable as provided by law.

(D) Further, the Town Council may authorize the Town Attorney to bring legal action in a court of competent jurisdiction.

(E) Where the ULDC includes regulations on the same point as contained in any other law or ordinance, the provisions of the ULDC shall govern unless otherwise prohibited by law; except that where the regulations of the other law or ordinance are more restrictive than those of the ULDC, the other shall govern.

Section 05-020: Official Zoning Map.

(A) The areas assigned to the Town's zoning districts, the designations of same, and the boundaries of said districts shown upon the map adopted with these regulations, which map may be amended from time to time by ordinance, and which is made a part of the ULDC by reference, is hereby established, said map being designated as the "Official Zoning Map"; and said map and the proper notations, references and other information shown thereon shall be as much a part of the ULDC as if the matters and information set forth by said map was fully described herein.

(B) Each district shall be subject to the regulations stipulated in this Code.

Section 05-025: District boundaries.

(A) Unless otherwise shown, the district boundaries are road lines, canals, or the subdividing or boundary lines of recorded plats or lots, or the extensions thereof, and where the districts designated on the Official Zoning Map are approximately bounded by road lines, canals, or the subdividing or boundary lines of recorded plats or lots, such lines or the extension thereof shall be considered to be district boundaries.

(B) Where the zoning districts shown on the Official Zoning Map are different on opposite sides of a road or canal, then the zoning district on each side shall extend to the center line or midpoint of the road or canal.

(C) Where, due to the scale or illegibility of the Official Zoning Map, or due to the absence of a road, canal, or recorded subdividing, plat or lot lines, there is any uncertainty, contradiction or conflict as to intended location of any district boundary, the Town Council shall have the power and duty of interpreting the intent of said Official Zoning Map so as to determine and designate the proper location of such district boundary in accordance with the spirit and purpose of the ULDC.

(D) Districting of vacated roads. Where a road on the Official Zoning Map is hereafter officially vacated by replatting or otherwise, the land formerly in such road shall be included within the zoning district of adjoining property on either side of said vacated road, and the centerline of the vacated road shall be the district boundary.

Section 05-030: Regulation of unzoned property.

Any property which has not been placed in a zoning district, or which has not otherwise been zoned, is hereby classified as the most restrictive zoning district classification consistent with the designation of said unzoned lands as indicated on the Future Land Use Plan Map of the Comprehensive Plan.

Section 05-035: Consistency with the land use plan.

(A) Whenever the permitted uses or district regulations applicable to any zoning district permit some uses that are not permitted by the applicable land use plan designation for the property, the provisions of the land use plan shall operate to prohibit those uses on that property as if such restrictions were fully set forth in this ULDC. Where an existing lawful use of land or a building is no longer permitted by the land use plan, such use of land or building shall be considered nonconforming and subject to Article 70, “Nonconforming uses, structures and plots,” unless a contrary result is specifically provided for in the land use plan.

(B) The development of land within the Town shall conform to the adopted Town of Loxahatchee Groves Comprehensive Plan.

Section 05-040: Permits required; expiration of permits and development orders.

(A) It shall be unlawful to use, erect, move, or otherwise alter a building, structure, or part thereof; or to use, clear, fill, excavate, move, pave, grade, or otherwise alter land or water unless a permit consistent with all applicable provisions of the ULDC shall have been first obtained for such work, with the following exceptions, which will not require a permit:

- (1) maintenance of existing driveways;
- (2) removal of invasive exotic trees;
- (3) filling sinkholes and rebuilding washout areas near drainage structures;
- (4) excavating to enhance drainage;
- (5) excavating existing ponds to a depth not to exceed 12 feet solely for the purpose of removing debris and muck.

(B) Any permit or development order issued pursuant to this Section shall be valid for a period of one-hundred and eighty days from the date of issuance unless a different expiration is otherwise provided for within this Code for a specific permit or development order, or by official action of the Town Council. The Town Manager may renew such a permit or development order for one additional six month period subject to compliance with current requirements of the ULDC in effect at the time of application for renewal. After the date of expiration, the development order shall be null and void. A new development application shall be filed and shall be subject to the current requirements of the ULDC.

(C) A permit card, a set of approved plans, and a final as-built survey where applicable, shall be available on the site where the construction is occurring at all times a scheduled inspection is being conducted to ensure compliance with such approved plans.

Section 05-045: Compliance required.

(A) No development order or permit shall be issued that is not in conformity with all the provisions of the ULDC, the adopted Comprehensive Plan and the Rural Vista Guidelines as adopted by the Town Council, as well as all applicable ordinances and regulations.

(B) No license, permit or certificate shall be issued by any official or authorized representative of the Town, nor authorized agent for the Town, for the use of any premises or the operation of any business, enterprise, occupation, trade, profession or activity which would involve, in any way, or constitute, a violation of the ULDC, nor shall any license, permit or certificate be issued upon any premises where there is a violation of the ULDC. The Town Manager is authorized to require the execution of an agreement for recording where the Manager deems it necessary for enforcement of these regulations.

(C) A development order, permit or decision issued by an official or authorized representative of the Town, with authority over the interpretation or enforcement of this Code, shall not stop or otherwise prevent the Town from strict enforcement of the provisions of this Code.

(D) Any application for a development permit required or authorized under the ULDC shall require an effective development order to be granted by the Town Manager or the Town Council, as applicable, prior to issuance of the development permit. No permit may be issued that is inconsistent with a development order.

Section 05-050: Conformance with approved site plan required.

All plots shall be maintained in accordance with the approved site plan, building permit plans and any other Town-approved plans unless the Town approves subsequent changes pursuant to the procedures and requirements of the ULDC.

Section 05-055: Effect of development order.

(A) No development permit shall be issued except pursuant to an effective development order.

(B) No development permit shall be issued for a development that is inconsistent with the development order governing such development.

Section 05-060: Right of entry.

For the purpose of enforcing the provisions of the ULDC, officials and inspectors shall have a right of entry as provided by law whenever said officials and inspectors find such entry necessary for the proper discharge of their duties under the ULDC.

Section 05-065: Validity.

Should any article, section, paragraph, sentence, clause, phrase, or other part of the ULDC be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the ULDC as a whole, or any part thereof, other than the part declared to be invalid.

Section 05-070: Town Council to amend zoning regulations.

Whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires, the Town Council may, by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by the ULDC or amendments hereto. Any amendment to the ULDC shall require a super majority vote of four or more Council members.

Section 05-075: Authority of Town Council to establish widths of thoroughfares, setbacks; dedications required.

The Town Council is hereby authorized and empowered to prescribe the width of roads and other thoroughfares, and setbacks therefrom for those roads under the control of the Town. All plats of lands lying within Town limits shall comply with Town or Loxahatchee Groves Water Control District (LGWCD), as applicable, road width requirements as a prerequisite of the approval for plat recording. The widths of federal, state and county roads shall be as prescribed by the applicable Department of Transportation and Palm Beach County. New development shall be required to dedicate right-of-way or grant ingress and egress easement rights, at the Town's or LGWCD choosing, as applicable, as necessary to satisfy the minimum width requirements of this Code for right-of-way.

Section 05-080: Authority of Town Council to name, rename, number or renumber roads.

The Town Council of the Town of Loxahatchee Groves is authorized and empowered to name or number any road or thoroughfare within the Town limits over which the Town has jurisdiction, and to change such names or numbers. The Town is authorized to designate and issue house numbers for properties abutting such roads or other thoroughfare.

Section 05-085: Approval required prior to dedications and conveyances for public purposes being made.

No dedication of, or attempt to dedicate, any land or water for any public purpose whatsoever, and no conveyance of, or attempt to convey, any land or water for any public purpose whatsoever, shall be effective unless and until the same shall be accepted and approved by resolution or ordinance of the Town Council, as applicable.

Section 05-090: Separations and other measurements.

(A) Any separation, distance limitation or setback required by the ULDC shall be applied without regard to municipal boundaries, and shall be applied in the same manner as if the abutting jurisdictions were part of the Town of Loxahatchee Groves.

(B) Unless otherwise specified, all distance separations required by the ULDC shall be measured in a straight line, using the shortest airline distance between the two or more points being measured (e.g. properties, buildings, portions of buildings, entrances to buildings as applicable to each specific provision).

Section 05-095: Misrepresentation or withholding of information.

Misrepresenting or withholding information by an applicant or party to an application, whether intentional or not, is ground for revocation of any approvals or permits issued.

Section 05-100: Local planning agency.

The Town Council or its designee shall act as the Local Planning Agency (LPA) for the Town of Loxahatchee Groves for purposes of Chapter 163.3174, Florida Statutes, as may be amended from time to time.

Section 05-105: Computation of time.

If the last day of a time period is a Saturday, Sunday or legal holiday, the period shall run until the end of the next day which is neither a Saturday, Sunday nor legal holiday.

Section 05-110: Violation of code or development order conditions.

An application for a development permit may be deferred, denied, or approved with appropriate conditions, when the property is in violation of the ULDC or in violation of a condition of a previously approved development order.

Section 05-115: Authority to withhold permits and approvals; zoning in progress.

When a Town-initiated change of the text of the Comprehensive Plan or ULDC, or a Town-initiated change to the Future Land Use Plan Map or Official Zoning Map is being considered by the Town Council, no permit or development order shall be issued by the

Town for a period of time not to exceed six months after notice of a public hearing before the Town Council for such a change has been published, where the issuance of such permit or development order might result in the nonconforming or unlawful use of property should such proposed change be adopted; provided that, the Council may extend the zoning in progress by up to six additional months if deemed necessary for the public health, safety and welfare; and further provided that, if final action by the Town Council is not taken on the proposed change within the timeframe prescribed above, the permit or development order shall be issued if it is consistent with existing permitted land uses or zoning district requirements.

Section 05-120: Town uses.

The provisions of this Code are not intended, and shall not be construed, to preclude the use of any property by the Town of Loxahatchee Groves in any Town government capacity, function or purpose as determined by the Town Council.

Article 10: Definitions, Abbreviations, and Construction of Terms.

Section 10-005: Construction of terms.

For the purpose of the ULDC, certain terms used herein are defined. When not inconsistent with the context:

- (A) Words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular number.
- (B) The word “shall” is always mandatory and not merely directory.
- (C) The word “may” is permissive.
- (D) The word "structure" shall include the word "building".
- (E) The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used.
- (F) The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.
- (G) The word "land" shall include water surface.
- (H) The word “person” includes individuals, firms, corporations, associations, trusts, joint ventures, partnerships, estate, syndicates, fiduciaries, government agencies, two or more persons having a joint or common interest, any combination of the preceding, and other similar entities.
- (I) The word “Town” shall mean the Town of Loxahatchee Groves, Florida.
- (J) The word “Council” shall mean the Town Council of the Town of Loxahatchee Groves, Florida.
- (K) The word “Councilmember” shall mean the members of the Town Council of the Town of Loxahatchee Groves.
- (L) The word “County” shall refer to Palm Beach County, Florida.
- (M) The word “Code” shall refer to the Unified Land Development Code of the Town of Loxahatchee Groves, Florida.
- (N) The word “Plan” shall mean the Town of Loxahatchee Groves Comprehensive Plan.
- (O) The word “Manager” shall mean the Town Manager of the Town of Loxahatchee Groves, Florida.

(P) Any reference to the Town Manager, Town Attorney, Town Engineer, Town Planner, Code Enforcement Officer or other administrative official of the Town of Loxahatchee Groves, Florida, shall include their designees.

(Q) Any reference to the Town Engineer shall include any of the engineering firms the Town may utilize for Town permit review, general development review, or infrastructure planning or review.

Section 10-010: Abbreviations.

The following abbreviations are used in the ULDC and are intended to have the following meanings:

(A) ac	acre
(B) du	dwelling unit
(C) F.A.R.	Floor area ratio
(D) FLUM	Future Land Use Plan Map of the Comprehensive Plan
(E) ft.	foot
(F) F.S.	Florida Statutes
(G) LOS	Level of service
(H) NVGD	National Vertical Geodetic Datum
(I) sq. ft. or sf.	square feet
(J) SFR	Single-family residence
(K) ULDC	Unified Land Development Code

Section 10-015: Definitions.

(A) Any term not defined in this Section shall have the meaning given by the most recent edition of Webster's Unabridged Dictionary.

Abandonment. To stop the use of property intentionally. When the use of property has ceased and the property has been vacated for six months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, substantially repair or use the property for a legally permissible use.

Accessory building. A separate building, subordinate in area and height to a principal building or use, as applicable, devoted to an accessory use on the same plot with the principal building or principal use.

Accessory dwelling unit. An accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.

Accessory use. A use naturally and customarily incidental, subordinate, and subservient to the principal use of the premises, and located on the same plot as the principal use. The area of an accessory use shall be subordinate to that of the principal use.

Acre. Forty-three thousand five hundred-sixty (43,560) square feet of land.

Adult day care facility. An establishment which provides day care and activities for adolescents or adults who require supervision due to physical or mental limitations.

Adult Entertainment. Any facility that features live persons, or taped or published images of persons, engaging in sexual activity or exposing specified anatomical areas, but specifically excluding naturist facilities.

Agriculture. As defined by Ch. 570.02, F.S., as may be amended from time to time, which states: The science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.

Agriculture, bona fide. A business that receives a reduction in property tax due to the use of part or of all of the property for the production of products as defined under “Agriculture” in Section 10-015. See Ch. 193.461 F.S. and Article 65 “Bona Fide Agricultural Uses” of this Unified Land Development Code.

Alcoholic beverage. Any beverage containing more than one percent (1%) of alcohol by weight.

Alcoholic beverage establishment. Any bar, lounge, saloon, bottle club, nightclub, private club, package store or any place or premises, other than a private residence or a fast-food or full service restaurant as defined herein, where alcoholic beverages are sold or dispensed for consumption by customers, patrons or members on or off of the premises, and not in conjunction with a meal. Establishments that provide only snack foods or prepackaged foods incidental to consumption of alcoholic beverages on the premises shall be considered alcoholic beverage establishments.

Alter. "Alter", "altered" or "alteration" shall mean any change in size, occupancy or use of a building or structure; any repair or modification to a building or structure, or use; the erection or placement of any sign; the excavation or filling of any water area; the addition or removal of fill and movement of earth; the addition, removal or modification of any paving or landscaping.

Animal, domesticated. Any animal that has been bred or raised to live in or about the habitation of humans.

Animal, large. Any animal with a body weight of more than 150 pounds.

Animal, small. Any animal, including small farm animal, with a body weight of 150 or fewer pounds, but not including swine or poultry.

Animal manure management, commercial. The handling, storage, and treating of animal manure and soiled bedding material on a consistent and active basis including the production and wholesale of organic compost for land application as a business or a for-profit activity.

Animal manure management, private. The handling, storage, and treating of animal manure and soiled bedding material on a consistent and active basis including the production and wholesale of organic compost for land application, for private or nursery use, excluding dumping and excluding filling.

Archaeological resources. Objects and materials which yield information important in history or prehistory and are physical evidence of past human activity. Archaeological resources may be identified using on-site investigations or site predictive models.

Arterial or arterial roadway. A street having that meaning given in Section 334.03 Florida Statutes, as may be amended from time to time. Arterials are identified in the Transportation Element of the Comprehensive Plan.

Auditorium. A building or complex of buildings that has facilities for cultural, entertainment, recreational, athletic and convention activities or performances.

Automobile repair, garage. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning, etc.

Aviary. A place for keeping birds confined.

Aviculture. The raising and care of birds in captivity but not including small birds (e.g., parakeets) located in the home as pets.

Back-out parking. A parking lot design which forces a vehicle to use the public or private right-of-way to maneuver in and out of a parking stall.

Bar, lounge or saloon. Any place devoted primarily to the retailing and consumption on the premises of malt, vinous or other alcoholic beverages not served as an accessory to meals prepared on the premises, and any place where one or more signs are displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

Bed and breakfast. An owner-occupied and operated detached dwelling unit, other than a hotel, rooming house or boarding house, where sleeping accommodations without individual food preparation facilities, are provided for transient guests, with at least one meal per day prepared within a centralized kitchen for guests included for a nightly fee, and which does not utilize outside services or employees, except for those customarily found in single-family residential neighborhoods such as housekeeping and landscape maintenance. Bed and breakfasts accept reservations directly on the premises and advertise themselves as bed and breakfasts.

Boarding or rooming house. An establishment providing transient lodging for a nightly fee that is not a hotel or bed and breakfast dwelling.

Building. Any structure having a solid roof and having walls on all sides, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building permit. For purposes of concurrency/adequacy determination and required parking calculations, "Building Permit" means a permit required by the Florida Building Code, as may be amended from time to time, for the erection or construction of a new building, addition to an existing building, or change in occupancy that may require additional parking pursuant to Article 95, "Parking and Loading," or may impact services or facilities subject to concurrency requirements, including one or more additional dwelling units, or additional nonresidential building area. In any other context, the term refers to any permit required under the Florida Building Code, as may be amended from time to time.

Caretaker(s) quarters. A dwelling that provides housing for a person who is employed to maintain, repair and protect the property on which the dwelling is located.

Carports. A private garage not completely enclosed by walls and doors.

Change of occupancy. The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Child care center. A place for the day care and/or instruction of children not remaining overnight, includes preschools.

Chipping and mulching. The use of equipment designed to cut tree limbs, brush or wood construction debris into small pieces including the production and wholesale of mulch for land application.

Civic center. A building or complex of buildings that house governmental offices and services, and/or which may include cultural, recreational, athletic, convention and entertainment facilities owned or operated by a governmental agency.

Club, private. Buildings and facilities or premises used or operated by associations and organizations of a fraternal or social character, not operated or maintained for profit. The term "private club" shall not include casinos, night clubs or other institutions operated as a business. Such organizations and associations shall be incorporated under the laws of Florida as nonprofit organizations.

Code compliance officer or code inspector. The officers and/or agents of the Town officially authorized by the Town to enforce the provisions of this Code.

Collector or collector roadway. A street having that meaning given in Section 334.03, F. S., as may be amended from time to time.

Commercial equestrian operations. Businesses and activities other than for the personal enjoyment of the property owners or lessees, and their family and friends, that feature limited horse boarding, riding instruction, horse grooming and care instruction, horse training, horse breeding, guided or unguided horse back riding, and equestrian accessory uses, where the ratio of human participants to horses is consistently no greater than two to one, unless the use involves a one time group instruction on horse care, training, riding, or similar equestrian instruction, whereby all participants are engaged simultaneously in such instruction.

Commercially zoned land. Any land or water area whose zoning district classification is Commercial Low (CL) or Commercial Low Office (CLO).

Community residential facility. A residential building or buildings designed or altered to provide housing, food service, and personal services to persons unrelated to the owner or manager of the facility, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents, and which is licensed by the State of Florida or other government agency for such purposes.

Completely enclosed building. A building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.

Concurrency. The statutory requirement that public facilities and services needed to support development shall be available at the same time or coincidental with the impact of such development, as provided by law.

Contiguous. Directly adjoining; immediately adjacent; contiguous plots have at least one side of each plot which touches one side of the other plot or plots with no separator between the plots including, but not limited to, a public right-of-way, private street, or canal.

Day labor hiring center. A profit or non-profit facility at which job seekers congregate to be hired by the day or by the job for short periods of time by third parties that are typically engaged in the construction, maintenance, agricultural or industrial trades. Job seekers must be present to receive and accept a job offer or be transported to a job site, and typically return to the facility for payment. Related support services may be offered to job seekers while they wait onsite.

Density. The maximum number of dwelling units permitted on a specific number of acres of land.

Developed. Land or water upon which a permitted building, structure, other improvement or use has been constructed or established, and including land that has undergone development as defined herein, but excluding solely underground utilities, pipes, wires, cable, culverts, conduits or other similar underground improvements and excluding structures bearing overhead power transmission lines that carry at least five hundred kilovolts (500 KV) of electrical power, provided such lands contain no other buildings or structures. This term shall not include containers having a maximum capacity of forty gallons or less.

Developer. Any person undertaking any development as defined in this Section.

Development. The meaning given in Section 380.04, F. S., as may be amended from time to time, provided the term specifically includes any construction, clearing, filling, excavating, grading, or paving, whether or not any such activities are occurring on a previously improved property. The Loxahatchee Groves comprehensive plan specifically recognizes the right of property owners to subdivide their property into five (5) acre single family residential parcels without such land division being deemed development under Section 380.04, F.S.

Development Order. An order authorizing the granting, denying, or granting with conditions of an application for a development permit.

Development Permit. Any building permit, engineering permit, zoning permit, subdivision or plat approval, modification to a condition of plat approval, including an amendment or revision to a non-vehicular access line, site plan approval, amendment to the notation on the face of a plat, application for placement of a notation on the face of a plat, rezoning, variance or other official action of the Town having the effect of permitting the development of land, but does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the Florida Building Code, as may amended from time to time.

Display. An arrangement of goods reflecting the occupation or business, wares or other objects used or sold on the premises, for the purpose of bringing the subject thereof to the attention of others without the use of a sign.

District. A portion of the territory of the Town of Loxahatchee Groves within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code. The term is short for “zoning district.”

Drive-through facility. Any place or premises used for the sale or dispensing of products to patrons who enter upon the premises in automobiles and purchase products through a window or door without leaving their vehicle.

Driveway. An area that connects the parking aisles of a parking lot, the parking area of a dwelling unit, a loading area, or otherwise provides vehicular access from private property, to the public right-of-way, to a private street, or to another driveway.

Driveway entrance. That portion of a driveway that immediately abuts the public right-of-way or a private street.

Dumpster. A container constructed of impervious material that is intended and designed to be used for the retention or storage of garbage, refuse or recyclable materials.

Dwelling. Any building, or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently.

Dwelling, detached. A single dwelling unit physically detached from other buildings, dwelling units or structures.

Dwelling, single-family. A freestanding dwelling unit, sharing no walls with another dwelling unit, having all habitable areas within the building accessible from the interior of the building. Single-family dwellings shall not include trailer mobile homes, rooming or boarding houses, or dormitories, fraternities and sororities.

Dwelling unit. A room or group of rooms not less than four hundred square feet in total floor area, with direct access from the outside of the building or through a common hall, which includes independent and complete kitchen and sanitary facilities designed to provide complete, long-term living accommodations exclusively for one family, and which have no access to another dwelling unit or are designed in such a manner that access to another dwelling unit may be eliminated by closing or sealing interior doorways or openings.

Employment agency. A business that charges a fee for providing information and placement services to candidates seeking employment and/or clients looking for qualified candidates. Candidates register with the agency, but do not wait on-site or at a central location for full time, part time, or temporary assignments. Vocational guidance,

employment counseling, resume writing, executive recruitment, payroll processing, and similar personnel services may also be offered.

Environment. Includes, but is not limited to, ambient air, surface water, land surface, subsurface soil strata or groundwater.

Environmental regulation. Any federal, state, county or Town law relating to pollution or protection of the environment. It includes, but is not limited to, any federal, state, county or Town statute, or regulation that pertains, in whole or part, to any existing or potential emission, discharge or release of any pollutant, contaminant, chemical, toxic waste, hazardous waste or solid waste into the environment. The term "environmental regulation" also includes, without limitation, any such statute or regulation relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport or handling of any pollutant, contaminant, chemical, toxic waste, hazardous waste or solid waste.

Equestrian. Of, relating to, or featuring horseback riding.

Equipment, farm and land cultivation. See "farm and land cultivation equipment".

Essential services. The erection, construction, alteration or maintenance by public utilities or governmental agencies, of underground or overhead sanitary sewer, communication, gas, electrical, steam or water transmission or distribution systems, and drainage facilities, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, transformer substations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Family. Any of the following living together as a single housekeeping unit in a dwelling unit: any number of persons related by legal adoption, blood or a licit marriage; a group of not more than three (3) persons who are not related by legal adoption, blood or licit marriage; or a group of persons that are disabled as defined by federal law.

Family day care home. The meaning given in Florida Statutes, Section 402.302, and regulated by Section 402.313, both as may be amended from time to time.

Farm. The land, buildings, structures, support facilities, machinery, and other appurtenances used in the production of farm and aquaculture products when such land is classified agricultural pursuant to Section 823.14, F.S., as may be amended from time to time.

Farm and land cultivation equipment. Any operable vehicle and equipment necessary for conducting an agricultural or equestrian use. Landscape maintenance equipment used on the plot (e.g., lawn tractor) is also included in this definition, but shipping containers, and

landscape maintenance vehicles associated with a business that provides such services off-site, are not included.

Farm building or structure. Any building or structure located on a plot classified as a farm, which is used to house or store farm products or materials and equipment necessary to farm operations. A farm structure shall also include fences, walls and hedges along the plot line of a farm.

Farm operation. All conditions or activities by the owner, lessee, agent, independent contractor, and supplier that occur on a farm in connection with the production or marketing of a farm's products.

Farm product. Any plant, as defined in Section 581.011, F.S., as may be amended from time to time, or animal useful to humans and including, but not limited to, any product derived therefrom, or as defined in 823.14, F.S., as may be amended from time to time.

Fence. A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement or concealment.

Floor area, gross floor area. Where a specified minimum floor area is required in the ULDC for a dwelling or other building, "floor area" shall mean the total gross horizontal area of all of the floors within the external perimeter of the exterior enclosing walls, including Florida rooms, sun rooms and utility rooms which are fully enclosed and directly accessible from the interior of the dwelling, but excluding other utility rooms, unenclosed porches, terraces or breezeways, and carports or garages. For purposes of floor area ratio and parking calculations, "floor area" or "gross floor area" means the total gross horizontal area of all of the floors within the external perimeter of the exterior enclosing walls.

Floor area ratio (F.A.R.). The total gross floor area of all buildings or structures on a plot divided by the plot area.

Food service. Preparation and/or provision of food for consumption intended for individual portion service on or off the premises regardless of whether there is a charge for the food.

Food service establishment. Any place where food service is provided, and includes the site at which food is prepared and the site at which individual portions are provided, regardless of whether consumption is on or off the premises. The term does not include private homes where food is prepared or served for individual family consumption.

Frontage of a building. Shall mean the wall(s) of a building approximately parallel and nearest to a street(s).

Frontage of property. Shall mean any plot line which separates a plot from a street, or the line separating an ingress/egress easement within a plot from the remainder of the plot.

Garage, private. An accessory building or portion of a single-family dwelling designed or used for inside parking of self-propelled private passenger vehicles by the occupants of the dwelling.

Gasoline station. Any building, structure, or land used for retail sale and dispensing of vehicle fuel(s).

Governmental facilities. A building or complex of buildings that house the administrative offices of the Town of Loxahatchee Groves, any department, commission, district, authority, board, independent agency or instrumentality of the United States, the State of Florida, county, or any other governmental unit.

Grade, established or finished. The elevation of land above mean sea level in its final, graded condition.

Guest cottage. A structure or any part of a structure ancillary to a detached single-family dwelling unit, excluding mobile homes, and located on the same plot as the principle dwelling unit, that is occupied in whole or in part as the temporary residence or living quarter of one or more persons. This definition shall include any such living quarter that is connected to the principal dwelling unit by an open or enclosed breezeway or other structure that serves to merely connect the guest quarter to the principal dwelling, as contrasted with a customary home addition that is physically and functionally integral to the principal dwelling.

Habitable room area. The total floor area of a dwelling unit excluding closets, bathrooms, garages, utility rooms, storage areas, and rooms not accessible from the interior of the dwelling unit.

Hazardous substances. Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive, explosive, pyric, or otherwise injurious properties, may be detrimental or deleterious to the health or safety of any person handling or using or otherwise dealing with such material or substances.

Height. For all buildings and structures, except as provided below, the vertical distance from the highest point of finished grade at the location of the building pad to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, to the mean height level between eaves and ridge for gable, hip and gambrel roofs, and to the highest point of any non-roofed structure, provided that any portion of the finished grade exceeding ten feet N.V.G.D. shall be included in the height calculation. Sign height is defined within Article 90, "Signs." For structures other than buildings and signs, height shall be the vertical distance from the finished grade below the structure to the highest point of the structure, provided that the height calculation of structures placed on berms shall include the height of the berm.

Holiday wayside stand. A temporary outside sales location for the retail sale of holiday items associated with the particular holiday for which the location is established, and not associated with or part of any existing use on the plot upon which it is located.

Home occupation. Conduct of a business in a home office.

Home office. An office designed for and operated as a business location within the confines of a dwelling unit, and carried on only by persons owning and living in the dwelling unit, and involving only written correspondence, phones, computers, or other common office equipment, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. Home offices shall preclude any business operation that requires or permits customers, patrons, or other employees to visit the dwelling or is conducted within any structure other than the primary residence. The dwelling in which a home office is located shall have a homestead exemption.

Hospital. An institution providing primary health services, medical and/or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, handicap and other physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel. A public lodging establishment containing individual rooms or suites of rooms accessed primarily through an inside lobby, each having a private bathroom, for the purpose of providing overnight, transient lodging accommodations to the general public for compensation with or without meals, which has common, on-site facilities for reservations, cleaning services and on-site management, and may provide additional, accessory services such as restaurants, meeting rooms, health and fitness, spa, entertainment and/or recreational facilities.

Household pet. An animal that resides in the dwelling with its owner, kept for companionship and enjoyment.

Impervious area. Any area with a surface that is covered or hardened so as to prevent or impede the percolation of water into the soil mantle, including swimming pools, water bodies and areas covered with brick pavers.

Inflammable liquid. Any liquid, which under operating conditions gives off vapors which, when mixed with air, is combustible and explosive.

Kennel, private. Any building or land used, designed or arranged to facilitate the non-commercial, private care of domestic animals, such as dogs and cats, owned by the occupants of the premises and not used for a commercial or not-for profit organization such as a dog club.

Kennel, commercial. A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit.

Kitchen, complete. A room or area within a building designed or used primarily for providing food storage and food preparation that contains, at least a sink with piped water, refrigerator and conventional gas or electric range or cook stove facilities.

Land, platted. Any land recorded by plat in the Palm Beach County Public Records, and can be referenced by a plat name, plat book and page.

Land, unplatted. Any land or part thereof not recorded by plat in the Palm Beach County Public Records and cannot be referenced by plat name, plat book and page.

Library. A building or room in which literary, musical, artistic or reference materials, such as books, manuscripts, recordings, films, paintings, etc., are kept for public use.

Livestock. Grazing animals, such as cattle, horses, sheep, goats, other ruminants, swine, ostriches, emus and rheas, which are used for private use or commercial purposes, or as defined by 585.01, F.S., as may be amended from time to time.

Loading area. An area provided off of any public or private right-of-way for the temporary parking of trucks being loaded or unloaded.

Lot. A parcel or tract of land designated and identified as a single unit of area in a subdivision plat officially recorded in the Palm Beach County Public Records.

Lot line. The property boundary lines of a lot.

Medical center. A public or private facility, which staff includes state-licensed physicians and nurses, which provides health-related services or treatment designed to prevent medical problems, maintain a healthful condition, or restore an individual to a condition of health.

Mobile home. A structure, transportable in one or more sections, which is eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Museum. A building or room devoted to the procurement, care, study or display of antiques, objects of historical, scientific or cultural interests, or other objects of lasting interest or value.

Nightclub. A restaurant, dining room, bar or other similar establishment where music is played at or above normal conversation sound level such that the music is primary entertainment and not merely background music for ambiance, or where floor shows or other forms of lawful entertainment are provided for guests.

Nonconforming building. A building or structure, or portion thereof, other than a sign, lawfully existing at the effective date of these regulations, or any amendment hereto, that does not comply with the provisions of these regulations, other than use regulations.

Nonconforming plot. A plot of record lawfully existing at the effective date of these regulations, or any amendment hereto, that does not comply with the provisions of these regulations, other than use regulations.

Nonconforming use. The use of a structure or premises, lawfully existing at the effective date of these regulations, or any amendment hereto, for any purpose not permitted for a new use in the zoning district in which it is located.

Nonresidential plot. A plot of land other than a residential plot.

Nonresidentially zoned land. Land or water area within any zoning district other than the Agriculture Residential (AR) zoning district.

Not-for-profit corporation. A corporation of which no part of the corporate income is distributable to its members, directors or officers as defined by chapter 617, Florida Statutes, as may be amended from time to time.

Nursery. A place where plants are propagated and/or grown to usable size sale, or for experimentation, and which may include such accessory uses as the limited and incidental sale of accessory items, the provision of landscape design services, and delivery and installation of plants purchased from the nursery. This term expressly excludes lawn and landscape maintenance businesses and mulching operations as commercial or principal uses.

Nursery, retail. A nursery, the products of which are sold directly to the ultimate consumer.

Nursery, wholesale. A nursery, the products of which are sold to a retailer and not directly to the ultimate user.

Opaque. Any non-translucent, nontransparent, nonliving material which provides a visual barrier from one side to the other.

Outdoor event. A carnival, circus, concert, festival, commercial promotion, show, competition, sale and other similar types of events, as well as any outdoor activity that is not a permitted principal or accessory outdoor use of the premises shall be classified as an outdoor event. Outdoor events shall also include permitted accessory uses of a scale, intensity or frequency that exceeds the customary and incidental scale, intensity or frequency of the given accessory use.

Package store. An establishment where the sale of alcoholic beverages in containers for consumption off the premises is the predominate purpose of the establishment.

Parking. The temporary, transient storage of vehicles or equipment as an accessory use to a dwelling or other use for a period generally not exceeding twenty-four hours, while their operators are engaged in other activities. This definition excludes the storage of vehicles or equipment.

Parking facility. An area designated for the parking of private passenger vehicles not on a street or other thoroughfare. It shall not include storage of new or used cars for sale, service, rental, or any other purpose than specified above.

Parking facility, full circulation. A parking lot design which permits a car entering a parking lot to circulate in front of all parking stalls and restart the same movement again without using a street or alley and without backing up and then turning around.

Parking facility, partial circulation. Parking lot design which permits a car entering a parking lot to circulate in front of all parking stalls without using any public or private street right-of-way, and without the need to back up and turn around, but which does not allow complete recirculation through the parking facility without using a street or alley and without the need to back up and turn around.

Parking aisle. The area immediately adjacent to the car parking stalls which permits maneuvering of the cars entering and leaving a parking stall, and which connects the parking stalls to the driveway.

Parking stall or "parking space". The space that is necessary to park a car, excluding aisles and driveways, and conforming to the minimum dimensions and other requirements of this Code.

Pervious area. Area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water directly into the soil mantle.

Place of worship. A building, or part thereof, designed and arranged for religious services, on land held in fee simple ownership or on a long-term lease, a minimum of five years duration, by a chartered religious organization, which utilizes the building for regular, continuing religious services.

Plat. A map or delineated representation of a tract or parcel of land showing the designation of such land as lot(s), block(s), parcel(s), or other portions thereof, however the same may be designated. The verb "to plat", in whatever tense used, means to prepare a plat in accordance with Town of Loxahatchee Groves' and Florida's minimum platting requirements, showing the division or subdivision of land into lots, blocks, parcels, tracts or other portions thereof, however the same may be designated. "Plat" does not refer to a boundary plat unless the term "boundary plat" is used specifically.

Platted land. See, "land, platted."

Plot. Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is occupied or to be occupied by a building, structure, or use, and their accessory buildings and accessory uses, together with such yards and open spaces as are required by this Code as a unit. A plot may consist of one or more platted lots, or portions of a platted lot and/or unplatted land.

Plot, corner. A corner plot is a plot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an interior angle of not more than one hundred thirty-five degrees. Where a plot is on a curve, if tangents through the intersections of the lot lines with the street lines make an interior angle of not more than one hundred thirty-five degrees, such a plot is a corner plot. In the case of a corner plot with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described.

Plot coverage. The percentage of the plot area covered or occupied by buildings or roofed structures or portions thereof. Swimming pools, decks, barbecue pits, terraces and other appurtenances not roofed-over shall not be included in computing plot coverage.

Plot depth. The mean horizontal distance between the front and rear plot lines.

Plot, flag. A plot not meeting the minimum frontage requirement and where access to a public street is established by a narrow private street or easement.

Plot, interior. A plot other than a corner plot.

Plot line. The boundary lines of a plot. Has the same meaning as, “property line.”

Plot line, front. The plot line coinciding with, or adjacent and parallel, to the street line. For corner plots and through plots, the front plot line shall be determined using the methodology set forth in the definition of “street line, front” as it applies to corner and through plots.

Plot line, rear. The plot line opposite and most distant from the front plot line. In the case of a triangular or gore-shaped lot wherein the two side plot lines converge in the rear, the rear plot line shall be considered to be a line ten feet in length within the plot parallel to and at the maximum distance from the front plot line.

Plot line, residential. Any plot line of a residential plot.

Plot line, side. Any plot line other than a front or rear plot line. A side plot line separating a plot from a street is called a corner side plot line, and is considered a street line. A side plot line separating a plot from another plot or plots is called an interior or side plot line.

Plot, residential. A plot with an Agricultural Residential (AR) zoning district classification.

Plot, through. A plot abutting two streets, not at their intersection, if any, which may be an interior plot or also a corner plot.

Plot width, required. The minimum required horizontal distance between the side plot lines at the full depth of the required front yard.

Porch. A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

Potable water. Water which is satisfactory for drinking, culinary and domestic purposes and which meets the quality standards of the Florida Department of Environmental Regulation, Chapter 17-22, Florida Administrative Code, as may be amended from time to time.

Portable storage unit. Any container designed for the storage of personal property which is typically rented to owners or occupants of residences or businesses for their temporary use, and which may be delivered to a residence or business and later retrieved from the premises by vehicle and stored in a commercial storage facility until needed by the renter. Portable storage units shall not include shipping containers.

Poultry. Domesticated birds kept for eggs or meat, but excluding any emu or ostrich.

Principal building. A building occupied by, and devoted to, a permitted principal use.

Principal use. The primary use of a parcel of land as distinguished from secondary or accessory uses. There may be more than one principal use on a parcel of land unless prohibited within a given zoning district.

Private property. All lands and water areas owned by other than the Town, county, state, federal government or any of its subdivisions.

Private road. A road or driveway that is privately owned and limited to the use of the owner or a group of owners who share the use and maintenance. A private road is not owned by a government entity.

Property owner. The person or entity holding title to real property as indicated in the current tax roll of Palm Beach County, unless the Town has received by certified mail an official document establishing that a person or entity other than the person or entity shown on the tax roll is the actual owner.

Public property. All streets, canals, waterways, other rights-of-way, lands, and improvements owned by a governmental agency.

Quarry. A place where natural materials or deposits are excavated for use as building materials, road materials, land fill, etc. at a different location. The excavation of materials

for use on the premises where the excavation occurs shall not be included in this definition.

Refuse. Unwanted or undesired material or substance including rubbish, junk, trash, garbage, excess fill or compost, and animal manure.

Residential enterprise. A low impact home-based business on property that has a homestead exemption.

Residential plot. See “plot, residential.”

Residential zoning district. Agricultural Residential (AR) zoning district.

Residentially zoned land. Any land or water area within a residential zoning district.

Restaurant. A building or room, where food is prepared and served for pay, which may include consumption on the premises.

Restaurant, full service. A restaurant which functions for the purpose of serving complete meals both ordered from a menu and brought to the customer via table service by a restaurant employee, prepared and cooked in a kitchen within the restaurant for on-premises consumption, but shall include cafeterias. Full service restaurants do not have drive-through windows.

Restaurant, fast food. A restaurant which functions for the purpose of serving either short-order meals or individual food items, but is not a full service restaurant as defined herein. A fast food restaurant may or may not have drive-thru window.

Retail store. A commercial establishment for the sale of merchandise directly to the ultimate consumer.

Right-of-way. An area of land and/or water that has been dedicated, deeded, reserved, or otherwise conveyed to the public for public use, ownership and control, and intended to be occupied by uses such as a street, walkway, trail, utility infrastructure, canal or other storm water conveyance. The term “right-of-way” shall mean “public right-of-way” unless preceded by the word “private,” which for the purpose of the ULDC shall have the same meaning as an easement.

Right-of-way line. See “Street line.”

Right-of-way line, ultimate. See “Street line, ultimate.”

Roof line. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Setback. The minimum distance measured from a property line, or ultimate street line if the plot abuts a street, and any part of any building or structure on the plot, unless a specific improvement is specifically excepted as a permitted encroachment or called out separately with a different setback. All areas in between the setback line and the plot or street line, as applicable, are yards.

Setback line. The line or vertical plane representing the setback distance and yard depth, also described as the edge of any required yard, demarcating the vertical plane that separates a required yard from the ‘buildable’ portion of the plot where principal structures may be erected.

Setback line, required. The line representing the minimum required setback/yard depth.

Setback, required. The minimum setback required by any ULDC provision. A minimum setback requirement creates a minimum yard requirement, and a minimum yard requirement has the same effect as requiring a minimum setback.

Shipping container. Any container originally designed for transporting cargo, or a container that is similar in design or function to such a container, but excluding a portable storage unit.

Shopping center. A group of three or more individual tenant spaces in a nonresidential building, each of which shares at least one common wall with another unit.

Shopping center outparcel. A plot containing a commercial building that provides its own required parking, landscaping and pervious areas, which is contiguous on at least one side to a shopping center or other larger commercial development, and which is connected to the larger development through parking or access facilities.

Site plan. A drawing illustrating a proposed development and prepared in accordance with the specification set forth in Article 155 of these regulations.

Storage of vehicles. The keeping of vehicles or equipment upon a plot for a period exceeding twenty-four hours that does not constitute “parking” as defined herein. Whenever storage of vehicles is permitted within these regulations, parking is also permitted by inference.

Street. A thoroughfare or any other vehicular accessway recorded in the public records of Palm Beach County, Florida, as right-of-way, reservation, ingress/egress easement or similar instrument for the sole purpose of providing access to and from abutting properties. Streets may be publicly dedicated or private.

Street lines. Shall mean the lines that form the boundaries of a public street right-of-way, public or private ingress/egress easement, or other access reservation or conveyance.

Street line, front. For corner lots, the front street line shall be the shorter of the two street lines unless they are each equal or within fifty feet of equal length, in which case the Town Manager shall designate one such street line as the front street line and designate one rear lot line based upon neighboring building orientation and access considerations. For through lots, both street lines shall be front street lines.

Street line, ultimate. The street line that would result from dedication of right-of-way or granting of an access easement based upon the total public or private right-of-way prescribed for any given street by these regulations, the Comprehensive Plan, Palm Beach County Code, or any other official plan.

Structural alteration. Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure. Anything constructed, installed, erected or portable, the use of which requires a location in or on the ground, or attached to something having location upon the ground, such as buildings, trailers, fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

Surface water management system. The collection of devices, improvements or natural systems whereby surface waters are controlled, impounded, or obstructed. The term includes dams, impoundments, reservoirs and appurtenant works as defined in Subsections 373.403(1-4), Florida Statutes, as may be amended from time to time, as well as all artificial structures including, but not limited to, ditches, canals, conduits, channels, culverts, pipes, and other construction that conveys, impounds, or controls surface water.

Swale. Land within a street other than the travel surface, and land adjacent to a street that holds, is designed to hold, or is required by the ULDC to contain and/or to convey storm water runoff from a street and private property abutting the street.

Swine. Any of various stout-bodied short-legged omnivorous artiodactyl mammals (family Suidae) with a thick bristly skin and a long flexible snout; especially a domesticated one descended from the wild boar.

Trailer. A manufactured structure inspected, approved and licensed by the State of Florida Department of Motor Vehicles, constructed so as to permit occupancy thereof as sleeping or living quarters, or use for storage or conveyance for tools, equipment or machinery on a construction site, and so designed that it is or may be mounted on wheels and conveyed on highways and streets, propelled or drawn by other motive power from one location to another.

Translucent. Any material which allows the passage of light, but does not permit a clear view of any object or person.

U-pick farm. A farm which allows customers to hand pick fruits, vegetables and other crops for a price usually charged by the size of the container.

Use. The purpose of which land or a structure thereon is designed, arranged or intended to be occupied or utilized, or for which it is utilized, occupied or maintained.

Use (v.). "Use" or "used" shall mean the continuation of an existing use, establishment of a new use, or any expansion or change of an existing use, of a building, structure or part thereof, or of any land or water area.

Use of land. Includes use of water surfaces and land under water to be the extent covered by zoning districts, and over which the Town of Loxahatchee Groves has jurisdiction.

Use, nonresidential. A use other than residential use (see use, residential).

Use, principal or main. The primary use of the plot as distinguished from secondary or accessory uses. There may not be more than one principal or main use on a plot unless specifically permitted by district regulations.

Use, residential. A use such as a one-family dwelling for living or sleeping of persons, not commercial or institutional in character such as a lodging establishment or nursing home.

Variance. A modification of, or deviation from, a regulation of the ULDC which is authorized and approved by the Town Council after it finds through competent substantial evidence that the literal application of the provisions of the Code would cause unnecessary hardship in the use or development of a specific plot, building, or structure, and that such modification or deviation satisfies the criteria for the granting of variances set forth in Article 150 of these regulations.

Vehicle, commercial. Any operable vehicle designed, intended or used for the transportation of people, goods or things, other than private passenger vehicles, agricultural equipment and personal recreation vehicles, provided that any vehicle with a commercial sign placed upon it shall be considered a commercial vehicle. The term "commercial vehicle" shall include, but is not limited to the following:

- a. Semi trailer. All two or more axle vehicles designed to be coupled to and drawn by a motor vehicle.
- b. Truck. A motor vehicle designed with or modified to contain a bed, platform, cabinet, rack or other equipment for the purpose of carrying items or things or performing commercial activities and weighing eight-thousand pounds or more. This term includes, but is not limited to, wreckers, tow trucks, dump trucks, utility or service vehicles, and moving vans.

c. Truck-tractor. A motor vehicle having four or more wheels designed to draw a semi-trailer and often equipped with a “fifth wheel” for this purpose.

d. Bus. Any vehicle designed or modified for transportation of fifteen or more people in seats permanently placed in the vehicle.

e. Business vehicle. Any vehicle upon which a business name is displayed. This term includes, but is not limited to, taxis, limousines, ambulances, and vans, but excludes security vehicles which are providing security services to the area where the vehicle is parked.

Vehicle and equipment, construction. Any equipment used in land clearing and development, building construction, utility construction, or road construction.

Vehicle, personal recreation. Any operable motor vehicle or trailer designed and used for general recreation purposes or temporary living quarters for recreational, camping, or travel use, including but not limited to: camping trailers; travel trailers; truck campers; motor homes, but excluding mobile homes which are considered housing; watercraft; and, trailers designed or used for transporting watercraft or other recreational vehicles, but excluding any trailer classified as a commercial vehicle or which is pulled or designed to be pulled specifically by a commercial vehicle.

Vehicle, private passenger. A motor vehicle weighing less than eight-thousand pounds, designed and used for personal transportation, including cars, pickup trucks, sport utility vehicles, minivans, and motorcycles.

Vehicle, recreational. Shall mean one of the following:

a. Camping trailer. A vehicular, portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle, and unfolded at the site to provide temporary living quarters for recreational, camping or travel use.

b. Truck camper. A truck equipped with a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping or travel use.

c. Motor home. A vehicular unit which does not exceed the length and width limitations provided in Section 316.515, Florida Statutes, as may be amended from time to time, is built on a self-propelled motor vehicle chassis, and is primarily designed to provide temporary living quarters for recreational, camping or travel use.

d. Off-road vehicle. A motorized vehicle designed and intended solely for recreational activities and not as a means of transportation on public streets.

e. Travel trailer, including fifth-wheel travel trailer. A vehicular, portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It has a body width of no more than eight and one-half feet and an overall body length of no more than forty feet when factory-equipped for the road.

Vehicular use area. Parking facilities, driveways, and any area designed or used for vehicular circulation, parking, loading, stacking or storage.

Water management area. A portion of a development that is a functional part of the "surface water management system" and is designed for the normal impoundment, storage, or conveyance of surface water or stormwater.

Waterway. A stream, canal or body of water.

Wayside stand: A structure designed and used for the sale or display of farm products produced on the premises on which said structure is located.

Wetlands. Those areas which are inundated by water, with sufficient frequency to support, and normally do support an assemblage of organisms that is adapted to saturated or seasonally saturated soil conditions for growth and reproduction including, but not necessarily limited to swamps, marshes, bogs, sloughs, wet meadows, river flood plains, mud flats and wet prairies.

Wildlife pets: Shall include only those animals that have been designated as endangered species, threatened species, or species of special concern by the State of Florida or federal government, and are permitted in private ownership by the Florida Fish and Wildlife Conservation Commission. This definition shall not include any dangerous or poisonous animal of the reptile or amphibian species.

Wireless communication facility. An antenna, stealth facility or wireless communication tower.

Yard. A space on the same plot with a structure or use, open and unobstructed from the ground to the sky unless specifically excepted by the ULDC. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured inward from the respective plot lines except for yards abutting streets, in which case they shall be measured from ultimate street lines.

Yard, front. A yard extending across the full width of the plot between the front street line and the nearest line of the buildings or structures on the plot. For plots along cul-de-sacs, the front yard shall be measured parallel to the arc of the cul-de-sac.

Yard, rear. A yard extending across the full width of the plot between the rear plot line and nearest line of a building or structure.

Yard, required. The minimum yard depth required by these regulations. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a required yard. Note: a minimum setback requirement creates a minimum yard requirement, and a minimum yard requirement has the same effect as requiring a minimum setback.

Yard, side. A yard extending from the front yard to the rear yard, between the side plot line, or side street line if applicable, and the nearest line of any building or structure on the plot. The width of a side yard shall be the shortest distance between the side plot line or side street line and the nearest use or building or structure on the plot.

Yard sale or garage sale. The sale of a residential occupant's personal or household belongings to the public from the occupant's residence, either inside or outside of the building.

PART II: ZONING DISTRICTS

Article 15: General Provisions

Section 15-005: Applicability.

This Article shall apply to all zoning districts.

Section 15-010: Exceptions from height limitations.

(A) Roofed structures. The following roofed structures may exceed the permissible height limit in any district by up to twenty-five percent provided that the structure does not exceed thirty percent of roof area as measured at the maximum horizontal section.

- (1) Spires
- (2) Domes
- (3) Belfries
- (4) Chimneys and stacks
- (5) Cupolas
- (6) Roofed monuments
- (7) Scenery lofts

(B) Mechanical structures. The following mechanical structures may exceed the permissible height limit in any district by up to twenty-five percent.

- (1) Water towers
- (2) Fire towers
- (3) Cooling towers
- (4) Aircraft control towers and navigation aids
- (5) Broadcasting towers and antennas (other than those regulated by Article 60)

(C) Other structures. The following structures may not extend five feet above the allowable height of a building.

- (1) Mechanical equipment (five feet or less in height)
- (2) Parapet walls

(D) Telecommunication towers and flags. The height of telecommunication towers and flags shall be regulated by Article 60 and Article 90, respectively.

Section 15-015: Setback exceptions.

(A) Attached building structures. The following attached building structures may project into setback a maximum of three feet unless otherwise specified.

- (1) Bay windows

- (2) Chimneys
- (3) Awnings and canopies
- (4) Balconies
- (5) Uncovered stoops
- (6) Roof overhangs
- (7) Heating, ventilation, and air conditioning units (maximum of five feet)
- (8) Permanent power generators (maximum of five feet)
- (9) Pool equipment (maximum of five feet)

(B) Accessory structures. The following accessory structures may project into required setbacks, subject to a minimum five foot setback unless otherwise specified.

- (1) Arbors and trellises less than ten feet in height (attached and detached)
- (2) Clothes poles or clothes lines in rear yard
- (3) Flags and signs, subject to Article 90
- (4) Driveways, walkways, and parking areas, subject to Article 95
- (5) Fountains
- (6) Sculptures and other similar works of art
- (7) Open terraces and patios
- (8) Landscape planters
- (9) Light poles having only one structural ground member
- (10) Recreational equipment in rear yards (minimum ten foot setback)
- (11) Basketball goals (minimum ten foot setback in rear and side yards, minimum fifteen foot setback in front and side street yards)

(C) Utility and other structures. The following may project into required setbacks.

- (1) Utility transmission lines and associated structures
- (2) Wells, water pumps, and associated structures
- (3) Underground utilities including septic tanks and stormwater culverts.
- (4) Fences, walls, and hedges
- (5) Planted landscaping
- (6) Mailboxes

Section 15-020: Excavation and sale of fill.

The excavation of property for the purpose of selling the excavated material as fill and transporting the fill off site is prohibited.

Section 15-025: Nonconforming uses, structures, and plots.

Various provisions of this code provide for exceptions to regulations as they apply to nonconformities. Such exceptions apply only to uses, structures, and plots the Town has determined to be nonconforming pursuant to Article 75, “Nonconforming Uses, Structures and Plots”.

Article 20: Residential Zoning Districts

Section 20-005: Purpose and intent of districts.

(A) Agricultural Residential (AR). Agricultural Residential zoning districts are intended to apply to areas of the Town designated as Rural Residential on the Future Land Use Plan Map of the Comprehensive Plan. The purpose is twofold. First, it is to protect, preserve and enhance the rural and agricultural character and life-style of existing very low density areas. Second, it is to protect the existing tree canopy and natural environment, promote and enhance wildlife habitat and natural systems, and reinforce the unique character of the Town through the establishment of native landscapes.

Section 20-010: General provisions.

The following requirements shall apply to the Agricultural Residential (AR) Zoning District.

(A) **Accessory dwelling units.** One accessory dwelling unit is permitted per parcel of land subject to the following standards:

- (1) Parcel size. Parcels shall be five acres or greater.
- (2) Maximum floor area. Accessory dwelling units shall contain no greater than 1,200 square feet of livable, floor space.
- (3) Ownership. The accessory dwelling unit shall remain accessory to and under the same ownership as the principal dwelling.
- (4) Electric utilities. Both the principal single family dwelling and the accessory dwelling shall be connected to the same electric utility meter.
- (5) Compatibility. An accessory dwelling unit shall be architecturally compatible in character and subordinate in size to the principal dwelling unit.

(B) **Animals and livestock.** The breeding raising, and/or keeping of animals and livestock as an accessory use to a permanent dwelling shall be subject to the following standards:

- (1) Number. The number of animals and livestock permitted shall be based on parcel size as follows.
 - a. Livestock. Four livestock, not including swine, are permitted per every one acre of land, except that parcels of at least five acres are permitted eight livestock per every acre of land and parcels over ten acres in size shall have no limit to the number of livestock per acre.

b. Small domesticated farm animals. Fifteen (15) small domesticated animals are permitted per every one-half (1/2) acre of land.

c. Large domesticated farm animals. Two (2) large domesticated animals are permitted per every one (1) acre of land.

d. Poultry. Parcels under one acre shall be limited to four (4) birds per every one-quarter (1/4) acre.

e. Swine. One (1) swine is permitted per property of one (1) acre or greater, except for pot bellied pigs, which shall be considered livestock.

f. Wildlife pets. Ten (10) wildlife pets are permitted on properties of five (5) acres or greater provided that the wildlife pets are permitted and licensed by the State of Florida.

g. Household pets. A maximum of ten (10) household pets are permitted on a property.

(2) Fences. All animals shall be kept within a fence to prevent the animals from accessing streets or adjacent properties. It shall be the responsibility of each animal owner to ensure that the fence is maintained in a state of good repair and that the animal is confined to the property.

(3) All structures, including pens, cages or enclosures, but excluding fences, that house or restrain animals of any type shall be setback a minimum of 50 feet from all property lines.

(4) Exceptions. Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

(C) **Caretaker's quarters** are permitted on parcels with a bona fide agricultural use.

(D) **Construction trailers.** One construction trailer may be placed on a plot for a period of time not to exceed one year during active construction of a permanent dwelling to serve as temporary living quarters for the owners of the home under construction. Construction trailers shall also be subject to the following standards.

(1) Location. The construction trailer shall be in compliance with all setback requirements.

(2) Permit issued. No construction trailer shall be placed upon any such property until a building permit for construction of the dwelling has been issued. The permit shall be posted in such a manner that it can be observed from the exterior of the construction trailer.

(3) The construction trailer must be removed from the property upon completion of the permanent dwelling or other principal building(s) or at the end of the one year period, whichever occurs first. The Town Manager may grant one extension of a maximum six months, upon petition from the property owner, provided the petition demonstrates unexpected hardship, and steady construction progress such that construction can reasonably be completed within the six month extension period. A decision of the Town Manager to deny the request for extension may be appealed to the Town Council subject to the requirements of Article 145, "Administrative Appeals."

(E) **Fences, walls, hedges, gates and entry features.** Fences, hedges, gates and entry features are permitted on all properties with a zoning designation of Rural Residential or Agricultural Residential. Walls are not permitted on a property line that abuts a road unless a Special Exception is granted by the Town.

(1) Height. Fences and walls shall not exceed six feet in height in front yards and eight feet in height in side or rear yards. Hedges and natural vegetation shall not be subject to maximum height limitations. Height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall.

(2) Appearance. The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance. Dark or fluorescent colors are prohibited.

(3) Materials. Fences and walls shall not be electrified or contain any materials such as broken glass, spikes, nails, razors or barbs designed to inflict discomfort, pain, or injury to a person or animal, except as permitted below:

a. Barbed wire. Barbed wire shall be permitted for use as fencing material on all plots.

b. Low voltage electric wire. Low voltage electric wire, otherwise known as hot wire, shall be permitted for use as fencing material on all plots.

(4) Sight distance. Fences, walls and hedges shall comply with Article 105, "Sight Distance."

(5) Decorative gates, features, and light posts. Decorative gates, features, and light posts attached to fences or walls may exceed the height of fences or walls by three feet provided that they are located in the front yard.

(F) **Groom's quarters.** Groom's quarters are permitted on parcels where there are equestrian uses and a stable with 18 or more stalls.

(G) **Outdoor storage.** Outdoor storage of merchandise and inventory, vehicles and equipment, refuse and other similar materials shall be subject to the following standards.

(1) Generally. All outdoor storage shall only be permitted when incidental to the use located on the premises or explicitly permitted as a primary use in Section 20-015, "Permitted uses."

(2) Location. Outdoor storage of merchandise and inventory, vehicles and equipment, refuse or similar materials shall not be located in any required setbacks, easements, or right-of-ways, except as permitted below:

a. Construction Vehicles, equipment and fill. Construction Vehicles, equipment, and fill may be temporarily stored in required setbacks, easements, or right-of-ways during construction in easements or right-of-ways.

b. Nursery plants and trees. Nursery plants and trees may be permanently stored in all required setbacks.

(3) Screening. All outdoor storage shall not be visible from roadways or neighboring properties except as permitted below:

a. Farm and land cultivation equipment. Farm and land cultivation equipment necessary for conducting a permissible agricultural use does not need to be screened from view provided that the vehicles are operable for immediate use, located on the plot upon which they are used, and are registered to an owner or lessee of said plot.

b. Equestrian transports. Equestrian transports do not need to be screened from view provided that the aggregate capacity of equestrian transports does not exceed the number of stables or horses kept on the property, whichever is greater.

c. Nursery plants and trees. Nursery plants and trees do not need to be screened from view.

d. Construction vehicles, equipment and fill. Construction vehicles, equipment, and fill do not need to be screened from view provided that the related construction activity is permitted, continuous and on-going.

e. Commercial and recreational vehicles. A maximum of two commercial or recreational vehicles may be stored on a plot of land without screening, provided that the vehicles are routinely operated/maintained by a permanent, full-time resident of the property.

f. Inactive vehicles and equipment. Vehicles and equipment that are in need of repair may be stored on a plot of land without screening provided that the vehicle or equipment has not been in a disassembled state or incapable of immediate use for more than seven consecutive days.

(4) Fluids. Vehicles and equipment that have been disassembled or incapable of immediate use for more than twenty-eight consecutive days shall have all of its fluids drained and properly disposed.

(H) **Swimming pools.** Swimming pools are permitted provided that the pool is located on the same plot as a primary use and it is fully enclosed with a fence or wall a minimum of four feet in height above the ground, measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall. Screen enclosures which meet all requirements of the Florida Building Code shall also constitute compliance with this provision. Fences or walls shall be of such a design and material as will prevent unauthorized access to the pool area. All gates must be equipped with self-closing, self-latching mechanisms. All fences and gates shall comply with all requirements of the Florida Building Code pertaining to required barriers around public swimming pools.

Section 20-015: Permitted uses.

Plots located in the Agricultural Residential (AR) zoning districts may be used for the following specified uses.

Principal Uses	Agricultural Residential (AR)
Single Family Dwelling	Permitted
Mobile Home	Permitted subject to Article 80
Public Schools	Permitted
Congregate Living Facility, Type 1	Permitted
Non-Profit Community Recreational Facilities	Permitted w/Special Exception
Essential Services	Permitted
Commercial Equestrian Operations	Permitted w/Special Exception
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
Aviculture	Permitted subject to Article 80
Commercial Kennels	Not Permitted
Chipping and Mulching	Permitted subject to Article 80
Feed Lots	Not Permitted
Commercial Animal Manure Management	Not Permitted
Commercial Chipping and Mulching	Permitted subject to Article 80
Rescued Animal Care	Permitted w/Special Exception
Outdoor Events	Permitted w/Special Exception
Agriculture	Permitted
Bona Fide Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception

Accessory Uses	Agricultural Residential (AR)
Accessory Dwelling	Permitted
Groom's Quarter	Permitted
Caretaker's Quarter	Permitted

Home Offices	Permitted subject to Article 80
Residential Enterprise	Permitted subject to Article 80
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
U-Pick Farms	Permitted w/Special Exception
Private Kennels	Permitted
Private Stables	Permitted
Yard Sales	Permitted subj. to Article 80

Section 20-020: Irrigation installation/maintenance and landscape maintenance operations.

Irrigation installation/maintenance operations and landscape maintenance operations are expressly prohibited in the Agricultural Residential (AR) Zoning District.

Section 20-025: Minimum plot size and dimension.

Plots located in Agricultural Residential (AR) Zoning District are subject to the following size and dimensional standards.

(A) Minimum plot size. No plot shall be developed for a residential use unless the plot contains five or more acres.

(B) Minimum dimension. No plot shall be developed for residential use unless the plot has a frontage (width) and depth of at least two-hundred feet.

(C) Exceptions. The following exceptions shall apply:

(1) Nonconforming plots of prior record. Plots which were of public record prior to, and became nonconforming as a result of, the adoption of the Town of Loxahatchee Groves Unified Land Development Regulations may be developed for residential use despite not meeting the minimum plot size and dimensional requirements.

(2) Nonconforming plots due to public right-of-way dedication. Any plot which becomes nonconforming as a result of the required dedication of a public right-of-way may be developed for residential use despite not meeting the minimum plot size and dimensional requirements.

(3) Plot with frontage on curved street or cul-de-sac. On curving streets, such as cul-de-sacs, the required frontage for lots between the points of curvature may be reduced by forty percent, provided the centerline radius of the contiguous street is one-hundred and twenty-five feet or less.

Section 20-030: Plot coverage, floor-to-area ratio, and pervious area.

Plots located in the Agricultural Residential (AR) zoning district are subject to the following standards.

(A) Plot coverage. The combined area of all buildings and roofed structures shall not exceed fifteen (15) percent of the plot area.

(B) Floor-to-area ratio. Uses other than a single family residence shall not exceed a combined floor-to-area ratio of fifteen (15) percent.

(C) Pervious area. The minimum pervious area shall be seventy percent of the plot area.

(D) Exceptions. The following exceptions shall apply:

(1) Plot coverage and floor-to-area ratio calculations shall not apply to buildings used for growing plants including, but not limited to, greenhouses, shade houses, and hydroponics nurseries.

(2) To the extent that an applicant needs to exceed plot coverage and/or floor-to-area ratio for a bona fide agricultural use, the applicant shall obtain a Special Exception pursuant to Article 170, and must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

Section 20-035: Setbacks.

All buildings and structures in the Agriculture Residential (AR) zoning district shall comply with the following minimum required setbacks:

(A) Front setback. One hundred (100) feet.

(B) Side setback. Fifty (50) feet.

(C) Rear setback. Fifty (50) feet.

(D) Side street setback. For properties that abut a street on more than one side, a side street setback of a minimum of eighty (80) feet shall be provided.

(E) Exceptions. A nonconforming residential lot may utilize the following setbacks for a single-family dwelling unit only.

(1) Minimum Setback Requirements:

(a) If the minimum depth dimension is nonconforming:

Front: 30 percent of lot depth.

Rear: 20 percent of lot depth.

(b) If the minimum width dimension is nonconforming:

Side Interior: 15 percent of lot width.

Side Street: 20 percent of lot width.

(c) Nonconforming lots that are 100 feet or less in width and 100 feet or less in depth may apply a 25-foot setback from the affected property line.

(2) The maximum lot coverage is 40 percent of the total lot area or the maximum allowed coverage, whichever is more restrictive.

(3) Accessory structures shall comply with all applicable Code requirements.

(4) To the extent that an applicant desires to decrease the required setback or increase the height of a structure to more than thirty-five (35) feet for a bona fide agricultural use, the applicant shall obtain a Special Exception pursuant to Article 170, and demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

Section 20-040: Height.

No buildings or structure, or part thereof, shall be erected or maintained to a height exceeding thirty-five feet in the Agriculture Residential (AR) zoning district except for those specifically excepted from height limitations are identified in Section 15-015, "Exceptions from height limitations".

Article 25: Commercial Zoning Districts

Section 25-005: Purpose and intent of district.

(A) Commercial Low (CL). The Commercial Low zoning district is intended to allow for the development of a limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas and public schools.

(B) Commercial Low Office (CLO). The Commercial Low Office zoning district is intended to allow for the development of offices for administrative, professional and business purposes, banking and financial institutions; membership organizations; and, uses that are complimentary to these uses including restaurants and public schools.

Section 25-010: General provisions.

The following requirements shall apply to the Commercial Low and Commercial Low Office zoning districts.

(A) Adult entertainment. Adult entertainment facilities shall be permitted in the Commercial Low zoning district, subject to the following standards:

(1) There shall be a minimum distance separation, as indicated, between adult entertainment establishments and the following uses:

- a. Other adult entertainment establishments (5,000 feet)
- b. Churches and places of worship (1,000 feet)
- c. Daycare centers, schools and other places of education (1,000 feet)
- d. Government offices and other civic uses(1,000 feet)
- e. School bus stops (2,500 feet)

(2) Adult entertainment establishments shall locate only on commercial parcels fronting on arterial roadways.

(B) Fences, walls and hedges. Fences and hedges are permitted on all properties with a zoning designation of Commercial Low or Commercial Low Office. Walls are not permitted unless the property abuts a paved road.

(1) Height. Fences and walls shall not exceed eight feet in height. Hedges and natural vegetation shall not be subject to maximum height limitations. Height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall.

(2) Appearance. The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

(3) Materials. Fences and walls shall not be electrified or contain any materials such as broken glass, spikes, nails, razors or barbs designed to inflict discomfort, pain, or injury to a person or animal.

(4) Sight distance. Fences, walls and hedges shall comply with Article 105, "Sight Distance".

(5) Decorative gates, features, and light posts. Decorative gates, features, and light posts attached to fences or walls may exceed the height of fences or walls by three feet provided that they are located in the front yard.

(C) Outdoor storage. Outdoor storage of merchandise and inventory, vehicles and equipment, refuse and other similar materials shall be subject to the following standards.

(1) Generally. All outdoor storage shall only be permitted when incidental to the use located on the premises or explicitly permitted as a primary use in Section 25-015, "Permitted uses".

(2) Location. Outdoor storage of merchandise and inventory, vehicles and equipment, refuse or similar materials shall not be located in any required setbacks, easements, or right-of-ways, except as permitted below:

a. Construction vehicles, equipment and fill. Construction vehicles, equipment, and fill may be temporarily stored in required setbacks, easements, or right-of-ways during the construction of new easements or right-of-ways.

b. Nursery plants and trees. Nursery plants and trees for retail sale may be permanently stored in all required setbacks.

(3) Screening. All outdoor storage shall be screened from view except as permitted below:

a. Nursery plants and trees. Nursery plants and trees do not need to be screened from view.

b. Construction vehicles, equipment and fill. Construction vehicles, equipment, and fill do not need to be screened from view provided that the related construction activity is permitted, continuous and on-going.

(D) Outdoor display. Outdoor display of merchandise and inventory shall be subject to the following standards.

(1) Mobility and storage. Merchandise must be mobile and stored indoors overnight.

(2) Accessory use. Merchandise must be accessory to the principal use located on site.

(3) Location. Merchandise shall not be located in any required setback, parking space, loading space or area, vehicular use area, fire lane, landscape buffer, required sidewalk, ADA accessibility route, or drainage easement.

(E) Fuel, gas, and chemical storage tanks. Above ground accessory fuel, gas, or chemical storage tanks, shall be setback a minimum of twenty-five feet and shall be completely screened from view by a continuous hedge a minimum of four feet in height around the perimeter of the tank or its enclosure.

(F) Outdoor refuse receptacles. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable materials, such as dumpsters, trash compactors, and recycling containers, shall be subject to the following standards.

(1) Storage area. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.

(2) Enclosures. All dumpsters, trash and recycling bins over forty gallons shall be screened from view by a solid opaque enclosure which meets the following requirements:

a. Enclosures shall be located in a position that is easily accessible and minimizes backup and turn movements by service vehicles.

b. The gates of the enclosure shall provide a minimum of ten feet clearance when open for service and be constructed of a frame with opaque wall affixed thereto.

c. Each gate shall also have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.

d. Both enclosure gate frame and walls shall be of a material of sufficient strength to withstand normal use.

(3) Location. All refuse containers shall be located in side or rear yards and setback at least fifty feet from any adjacent residential zoning district. Containers shall not be located in any required parking space, fire lane, landscape buffer, required sidewalk, ADA accessibility route, or within or adjacent to a drainage easement or water body.

(4) Maintenance. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents. A licensed collector shall empty dumpsters at intervals that will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.

(G) Construction trailers. One construction trailer (including mobile homes) may be placed on a plot within a nonresidential development subject to the following standards.

(1) Location. The construction trailer shall be in compliance with all setback requirements.

(2) Permit issued. No construction trailer shall be placed upon any such property until a building permit for construction of the principal building has been issued. The permit shall be posted in such a manner that it can be observed from the exterior of the construction trailer.

(3) The construction trailer must be removed from the property upon completion of the principal building(s) or at the end of the one year period, whichever occurs first. The Town Manager may grant one extension of a maximum six months, upon petition from the property owner, provided the petition demonstrates unexpected hardship, and steady construction progress such that construction can reasonably be completed within the six month extension period. A decision of the Town Manager to deny the request for extension may be appealed to the Town Council subject to the requirements of Article 145, “Administrative Appeals”.

Section 25-015: Permitted uses.

Plots located in the Commercial Low and Commercial Low Office zoning districts may be used for one or more of the following uses.

Principal Uses	Commercial Low (CL)	Commercial Low Office (CLO)
Adult Entertainment	Permitted subject to Article 20	Not Permitted
Arcade, Video	Permitted	Not Permitted
Automobile Repair Garage	Permitted	Not Permitted
Bank or Financial Institution	Permitted	Permitted
Bar, Lounge, Tavern or Pub	Permitted	Not Permitted
Barber Shop, Beauty or Nail Salon	Permitted	Not Permitted
Pool Hall	Permitted	Not Permitted
Car Wash, Self-Service or Automated	Permitted	Not Permitted
Catering or Food Service Delivery	Permitted	Not Permitted
Child Care Center	Permitted	Not Permitted
Commercial Animal Manure Mgmt.	Not Permitted	Not Permitted
Commercial Chipping and Mulching	Permitted subject to Article 80	Not Permitted
Convenience Store	Permitted	Not Permitted
Dance/Night Club	Permitted	Not Permitted
Day Labor Hiring Center	Permitted w/Special Exception	Not Permitted
Delicatessen	Permitted	Not Permitted

Theater or Auditorium	Permitted	Not Permitted
Dry Cleaning or Laundry Service	Permitted	Not Permitted
Employment Agency	Not Permitted	Not Permitted
Essential Services and Utilities	Permitted	Permitted
Exhibition of Wildlife Pets	Permitted subject to Article 80	Not Permitted
Gasoline Station	Permitted	Not Permitted
Shooting Range, Indoor	Permitted subject to Article 80	Not Permitted
Hotel	Permitted	Not Permitted
Holiday Wayside Stand	Permitted subject to Article 80	Permitted subject to Article 80
Laboratory (e.g., medical, dental, research)	Permitted	Permitted
Offices (e.g., business, professional, medical)	Permitted	Permitted
Package Liquor, Beer or Wine Store	Permitted	Not Permitted
Outdoor Events	Permitted subject to Article 80 and to a Special Exception	Permitted subject to Article 80 and to a special Exception
Retail Plant or Produce Sales	Permitted	Not Permitted
Restaurant, Fast Food	Permitted	Not Permitted
Restaurant, Full Service	Permitted	Permitted
Restaurant, Take Out Only	Permitted	Permitted
Retail Services	Permitted	Not Permitted
Retail Store	Permitted	Not Permitted
Commercial Recreation (e.g., batting cages , rink)	Permitted	Not Permitted
Veterinary Clinic or Hospital	Permitted	Not Permitted
Warehouse, Self Storage	Permitted	Not Permitted
Wireless Communication Facilities	Permitted	Permitted
Adult Day Care	Permitted	Permitted
Schools, Public or Private	Permitted	Not Permitted
Gym or Fitness Center	Permitted	Permitted

Section 25-020: Prohibited uses.

Any use not expressly, or by inference, permitted in Section 25-015, “Permitted uses,” is prohibited.

Section 25-025: Minimum plot size and dimension.

Plots located in the Commercial Low (CL) and Commercial Low Office (CLO) zoning districts are subject to the following size and dimensional standards.

(A) Minimum plot size. One (1) acre.

(B) Minimum dimension. One-hundred and fifty (150) feet of frontage (width) and one-hundred and fifty (150) feet of depth.

(C) Exceptions. The following exceptions shall apply.

(1) Nonconforming plots of prior record. Plots which were of public record prior to, and became nonconforming as a result of, the adoption of the Town of Loxahatchee Groves Unified Land Development Regulations may be developed for commercial use despite not meeting the minimum plot size and dimensional requirements.

(2) Nonconforming plots due to public right-of-way dedication. Any plot which becomes nonconforming as a result of the required dedication of a public right-of-way may be developed for commercial use despite not meeting the minimum plot size and dimensional requirements.

Section 25-030: Maximum plot size.

Maximum plot size. No plot greater than five acres shall be developed for institutional or public facilities use.

Section 25-035: Plot coverage, floor-to-area ratio, and pervious area.

Plots located in the Commercial Low (CL) and Commercial Low Office (CLO) zoning districts are subject to the following standards.

(A) Plot coverage. The combined area of all buildings and roofed structures shall not exceed twenty-five percent of the plot area.

(B) Floor-to-area ratio. Commercial Low (CL) uses shall not exceed a floor-to-area ratio of one-tenth (.10). Commercial Low Office (CLO) uses shall not exceed a floor-to-area ratio of two-tenths (.20).

(C) Pervious area. The minimum pervious area shall be thirty percent of the plot area.

Section 25-040: Setbacks.

All buildings and structures in the Commercial Low (CL) or Commercial Low Office (CLO) zoning districts shall comply with the following minimum required setbacks.

(A) Front setback: Fifty (50) feet.

(B) Side setback. Twenty five (25) feet.

(C) Rear setback. Fifty (50) feet.

(D) Side street setback. For properties that abut a street on more than one side, a side street setback of at least twenty five (25) feet shall be provided.

(E) Exceptions from setback requirements. Buildings and structures specifically excepted from these requirements are identified in Section 15-015, "Setback exceptions."

Section 25-045: Height.

No buildings or structure, or part thereof, shall be erected or maintained to a height exceeding thirty-five feet unless the following apply.

(A) Exception from height limitation. Buildings and structures specifically excepted from height limitations are identified in Section 15-010, "Exceptions from height limitations."

Section 25-050: Frontage on and access from a paved road.

No plot shall be developed for commercial use unless the plot has frontage on and access from a paved collector or arterial roadway.

Article 30: Institutional and Public Facilities Zoning Districts

Section 30-005: Purpose and intent of district.

(A) Institutional and Public Facilities (IPF). The Institutional and Public Facilities zoning district is intended to apply to areas of the Town designated as Institutional on the Future Land Use Plan Map of the Comprehensive Plan. The purpose of this district is allow the development of community serving facilities such as educational facilities, child care centers, adult day care facilities, congregate living facilities, medical and accessory offices, hospitals and public health clinics, natural disaster emergency shelters, and civic and religious uses.

Section 30-010: General provisions.

The following requirements shall apply to the Institutional and Public Facilities zoning district.

(A) Fences, walls and hedges. Fences, walls and hedges are permitted on all properties with a zoning designation of Institutional and Public Facilities.

(1) Height. Fences and walls shall not exceed eight feet in height. Hedges and natural vegetation shall not be subject to maximum height limitations. Height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall.

(2) Appearance. The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

(3) Materials. Fences and walls shall not be electrified or contain any materials such as broken glass, spikes, nails, razors or barbs designed to inflict discomfort, pain, or injury to a person or animal.

(4) Sight distance. Fences, walls and hedges shall comply with Article 105, "Sight Distance."

(5) Decorative gates, features, and light posts. Decorative gates, features, and light posts attached to fences or walls may exceed the height of fences or walls by three feet provided that they are located in the front yard.

(B) Outdoor storage. Outdoor storage of merchandise and inventory, vehicles and equipment, refuse and other similar materials shall be subject to the following standards.

(1) Generally. All outdoor storage shall only be permitted when incidental to the use located on the premises or explicitly permitted as a primary use in Section 30-015, "Permitted uses."

(2) Location. Outdoor storage of merchandise and inventory, vehicles and equipment, refuse or similar materials shall not be located in any required setbacks, easements, or right-of-ways, except for construction vehicles, equipment, and fill may be temporarily stored in required setbacks, easements, or right-of-ways during the construction of new easements or right-of-ways.

(3) Screening. All outdoor storage shall be screened from view except that construction vehicles, equipment, and fill do not need to be screened from view provided that the related construction activity is permitted, continuous and on-going.

(C) Swimming pools. Swimming pools are permitted provided that the pool is located on the same plot as a primary use and it is fully enclosed with a fence or wall a minimum of four feet in height above the ground, measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall. Screen enclosures which meet all requirements of the Florida Building Code shall also constitute compliance with this provision. Fences or walls shall be of such a design and material as will prevent unauthorized access to the pool area. All gates must be equipped with self-closing, self-latching mechanisms. All fences and gates shall comply with all requirements of the Florida Building Code pertaining to required barriers around public swimming pools.

(D) Outdoor refuse receptacles. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable materials, such as dumpsters, trash compactors, and recycling containers, shall be subject to the following standards.

(1) Storage area. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.

(2) Enclosures. All dumpsters, trash and recycling bins over 40 gallons shall be screened from view by a solid opaque enclosure which meets the following requirements:

- a. Enclosures shall be located in a position that is easily accessible and minimizes backup and turn movements by service vehicles.
- b. The gates of the enclosure shall provide a minimum of ten feet clearance when open for service and be constructed of a frame with opaque wall affixed thereto.
- c. Each gate shall also have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.
- d. Both enclosure gate frame and walls shall be of a material of sufficient strength to withstand normal use.

(3) Location. All refuse containers shall be located in side or rear yards and setback at least fifty feet from any adjacent residential zoning district. Containers shall not be located in any required parking space, fire lane, landscape buffer, required sidewalk, ADA accessibility route, or within or adjacent to a drainage easement or water body.

(4) Maintenance. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents. A licensed collector shall empty dumpsters at intervals that will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.

(E) Construction trailers. One construction trailer (including mobile homes) may be placed on a plot within a nonresidential development subject to the following standards.

(1) Location. The construction trailer shall be in compliance with all setback requirements.

(2) Permit issued. No construction trailer shall be placed upon any such property until a building permit for construction of the principal building has been issued. The permit shall be posted in such a manner that it can be observed from the exterior of the construction trailer.

(3) The construction trailer must be removed from the property upon completion of the principal building(s) or at the end of the one year period, whichever occurs first. The Town Manager may grant one extension of a maximum six months, upon petition from the property owner, provided the petition demonstrates unexpected hardship, and steady construction progress such that construction can reasonably be completed within the six month extension period. A decision of the Town Manager to deny the request for extension may be appealed to the Town Council subject to the requirements of Article 145, "Administrative Appeals."

Section 30-015: Permitted uses.

Plots located in the Institutional and Public Facilities zoning district may be used for one or more of the following specified uses.

Principal Uses	Institutional and Public Facilities
Cemetery	Not Permitted
Congregate Living Facility	Permitted
Churches, Places of Worship	Permitted
Day Care, Preschool	Permitted
Essential Services	Permitted
Governmental Facilities and Services	Permitted
Holiday Wayside Stand	Permitted subject to Article 80
Outdoor Events	Conditional
Private Service Club or Lodge	Permitted w/Special Exception

Public Parks and Outdoor Events	Permitted
School, Public and Private	Permitted
Wireless Communication Facilities	Permitted w/Special Exception

Accessory Uses	Institutional and Public Facilities
Cemetery	Not Permitted
Day Labor Hiring Center	Permitted w/Special Exception
Child Care, Preschool, Adult Day Care	Permitted
Swimming Pool	Permitted

Section 30-020: Prohibited uses.

Any use not expressly, or by inference, permitted in Section 30-015, “Permitted uses,” is prohibited.

Section 30-025: Distance separation.

All principle uses permitted by right in the Institutional and Public Facilities zoning district shall be permitted only on properties located a minimum distance of one thousand (1,000) feet from any other property with the same zoning, measured pursuant to Section 05-090. Any person or entity seeking to rezone property to the Institutional and Public Facilities district for a use regulated under this section shall furnish, to the Town, a special purpose survey sealed by a land surveyor certified by the State, indicating the distance between the property proposed for rezoning and any property with existing Institutional and Public Facilities zoning.

Section 30-030: Minimum plot size and dimension.

Plots located in the Institutional and Public Facilities zoning district are subject to the following size and dimensional standards.

(A) Minimum dimension. All plots shall have at least one-hundred and fifty feet of frontage (width) and two-hundred feet of depth.

(B) Exceptions. The following exceptions shall apply.

(1) Nonconforming lots of prior record. Plots which were of public record prior to, and became nonconforming as a result of, the adoption of the Town of Loxahatchee Groves Unified Land Development Regulations may be developed for commercial use despite not meeting the minimum plot size and dimensional requirements.

(2) Plot with frontage on curved street or cul-de-sac. On curving streets, such as cul-de-sacs, the required frontage for lots between the points of curvature may be reduced by forty percent, provided the centerline radius of the contiguous street is one-hundred and twenty-five feet or less.

Section 30-035: Maximum plot size.

(A) Maximum plot size. No plot greater than five acres shall be developed for institutional or public facilities use.

(B) Exceptions. The following exceptions shall apply.

(1) Nonconforming lots of prior record. Plots which were of public record prior to, and became nonconforming as a result of, the adoption of the Town of Loxahatchee Groves Unified Land Development Regulations may be developed for institutional and public facilities use despite exceeding the maximum plot size requirement. Furthermore, these properties may be fully developed and utilized within the permitted densities and intensities of this Code.

Section 30-040: Plot coverage, floor-to-area ratio, and pervious area.

Plots located in the Institutional and Public Facilities zoning district are subject to the following standards.

(A) Plot coverage. The combined area of all buildings and roofed structures shall not exceed fifteen percent of the plot area.

(B) Floor-to-area ratio. Institutional and Public Facilities (IPF) uses shall not exceed a floor-to-area ratio of one-tenth (.10).

(C) Pervious area. The minimum pervious area shall be fifty percent of the plot area.

Section 30-045: Setbacks.

All buildings and structures in the Institutional and Public Facilities zoning district shall comply with the following required setbacks.

(A) Front setback. A front setback of at least one-hundred feet shall be provided.

(B) Side setback. A side setback of at least fifty feet shall be provided.

(C) Rear setback. A rear setback of at least fifty feet shall be provided.

(D) Side street setback. For properties that abut a street on more than one side, a side street setback of at least fifty feet must be provided.

(E) Exceptions from setback requirements. Buildings and structures specifically excepted from these requirements are identified in Section 15-015, "Setback exceptions".

Section 30-050: Height.

No buildings or structure, or part thereof, shall be erected or maintained to a height exceeding thirty-five feet unless the following apply.

(A) Exception from height limitation. Buildings and structures specifically excepted from height limitations are identified in Section 15-010, "Exceptions from height limitations".

Section 30-055: Frontage on paved road.

No plot shall be developed for institutional or public facilities use unless the plot has frontage on a paved collector or arterial roadway.

Article 35: Parks and Recreation Zoning District

Section 35-005: Purpose and intent of district.

(A) Parks and Recreation (PR). The Parks and Recreation (PR) zoning district is intended to apply to areas of the Town designated as Park on the Future Land Use Plan Map of the Comprehensive Plan. The purpose of this district is to allow the development of publicly owned sites that provide an opportunity for residents to partake in a variety of recreational activities in a safe and convenient manner that is compatible with the environment.

Section 35-010: General provisions.

The following requirements shall apply to the Parks and Recreation zoning district.

(A) Fences, walls and hedges. Fences and hedges are permitted on all properties with a zoning designation of Parks and Recreation. Walls are not permitted unless the property abuts a paved road.

(1) Height. Fences and walls shall not exceed eight feet in height. Hedges and natural vegetation shall not be subject to maximum height limitations. Height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall.

(2) Appearance. The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

(3) Materials. Fences and walls shall not be electrified or contain any materials such as broken glass, spikes, nails, razors or barbs designed to inflict discomfort, pain, or injury to a person or animal.

(4) Sight distance. Fences, walls and hedges shall comply with Article 105, "Sight Distance."

(5) Decorative gates, features, and light posts. Decorative gates, features, and light posts attached to fences or walls may exceed the height of fences or walls by three feet provided that they are located in the front yard.

(B) Outdoor refuse receptacles. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable materials, such as dumpsters, trash compactors, and recycling containers, shall be subject to the following standards.

(1) Storage area. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.

(2) Enclosures. All dumpsters, trash and recycling bins over forty gallons shall be screened from view by a solid opaque enclosure which meets the following requirements:

- a. Enclosures shall be located in a position that is easily accessible and minimizes backup and turn movements by service vehicles.
- b. The gates of the enclosure shall provide a minimum of ten feet clearance when open for service and be constructed of a frame with opaque wall affixed thereto.
- c. Each gate shall also have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.
- d. Both enclosure gate frame and walls shall be of a material of sufficient strength to withstand normal use.

(3) Location. All refuse containers shall be located in side or rear yards and setback at least fifty feet from any adjacent residential zoning district. Containers shall not be located in any required parking space, fire lane, landscape buffer, required sidewalk, ADA accessibility route, or within or adjacent to a drainage easement or water body.

(4) Maintenance. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents. A licensed collector shall empty dumpsters at intervals that will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.

Section 35-015: Permitted uses.

Plots located in the Parks and Recreation zoning district may be used for one or more of the following specified uses.

Principal Uses	Parks and Recreation
Gun or Archery Range	Permitted subject to Article 80
Boat Ramp, Fishing Pier and Dock	Permitted
Botanical Garden	Permitted
Walking and Biking Trail	Permitted
Essential Services	Permitted
Nature Trail	Permitted
Outdoor Events	Permitted subject to Article 80
Lake or Pond	Permitted
Public Park	Permitted

Section 35-020: Prohibited uses.

Any use not expressly, or by inference, permitted in Section 35-015, "Permitted uses," is prohibited.

Section 35-025: Minimum plot size and dimension.

Plots located in the Parks and Recreation zoning district are subject to the following size and dimensional standards.

(A) Minimum size. No plot shall be developed for a Parks and Recreation use unless the plot contains one or more acres.

(B) Minimum dimension. All plots shall have at least one-hundred feet of frontage (width) and one-hundred feet of depth.

Section 35-030: Plot coverage, floor-to-Area ratio, and pervious area.

Plots located in the Parks and Recreation zoning district are subject to the following standards.

(A) Plot coverage. The combined area of all buildings and roofed structures shall not exceed ten (10) percent of the plot area.

(B) Floor-to-Area Ratio. Parks and Recreation uses shall not exceed a floor-to-area ratio of one-tenth (.10).

(C) Pervious area. The minimum pervious area shall be eighty (80) percent of the plot area.

Section 35-035: Setbacks.

All buildings and structures in the Parks and Recreation zoning district shall comply with the following required setbacks.

(A) Front setback: Fifty feet (50) feet.

(B) Side setback: Twenty five (25) feet.

(C) Rear setback: Twenty five (25) feet.

(D) Side street setback. For properties that abut a street on more than one side, a side street setback of at least fifty feet must be provided.

(E) Parking setback. No parking facility shall be located within twenty-five feet of an adjacent residential plot. This requirement supersedes any exception provided in Section 15-015, "Setback exceptions."

(F) Exceptions from setback requirements.

(1) Buildings and structures specifically excepted from requirements (A) through (D), above, are identified in Section 15-015, "Setback exceptions."

(2) Horse trails and multi-use nature trails.

Section 35-040: Height.

No buildings or structure, or part thereof, shall be erected or maintained to a height exceeding twenty-five (25) feet unless the following apply.

(A) Exception from height limitation. Buildings and structures specifically excepted from height limitations are identified in Section 15-010, "Exceptions from height limitations."

Article 40: Conservation District

Section 40-005: Purpose and intent of district.

(A) Conservation (CN). The Conservation (CN) zoning district is intended to apply to areas of the Town designated as Conservation on the Future Land Use Plan Map of the Comprehensive Plan. The purpose of this district is to protect, preserve, and restore lands with natural resources and wildlife habitat or which contain historical or archaeological resources.

Section 40-010: General provisions.

The following requirements shall apply to the Conservation zoning district.

(A) Fences and hedges. Fences and hedges are permitted on all properties with a zoning designation of Conservation. Walls are prohibited.

(1) Height. Fences shall not exceed eight feet in height. Hedges and natural vegetation shall not be subject to maximum height limitations. Height shall be measured adjacent to the fence from the lowest grade on either side of the fence.

(2) Materials. Fences shall not be electrified or contain any materials such as broken glass, spikes, nails, razors or barbs designed to inflict discomfort, pain, or injury to a person or animal.

(3) Sight distance. Fences and hedges shall comply with Article 105, "Sight Distance."

(4) Decorative gates, features, and light posts. Decorative gates, features, and light posts attached to fences or walls may exceed the height of fences or walls by three feet provided that they are located in the front yard.

(B) Outdoor refuse receptacles. All outdoor receptacles for the storage and disposal of refuse, vegetation, and recyclable materials, such as dumpsters, trash compactors, and recycling containers, shall be subject to the following standards.

(1) Storage area. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.

(2) Enclosures. All dumpsters, trash and recycling bins over forty gallons shall be screened from view by a solid opaque enclosure which meets the following requirements:

a. Enclosures shall be located in a position that is easily accessible and minimizes backup and turn movements by service vehicles.

b. The gates of the enclosure shall provide a minimum of ten feet clearance when open for service and be constructed of a frame with opaque wall affixed thereto.

c. Each gate shall also have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.

d. Both enclosure gate frame and walls shall be of a material of sufficient strength to withstand normal use.

(3) Location. All refuse containers shall be located in side or rear yards and setback at least fifty feet from any adjacent residential zoning district. Containers shall not be located in any required parking space, fire lane, landscape buffer, required sidewalk, ADA accessibility route, or within or adjacent to a drainage easement or water body.

(4) Maintenance. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents. A licensed collector shall empty dumpsters at intervals that will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.

Section 40-015: Permitted uses.

Plots located in the Conservation zoning district may be used for one or more of the following specified uses.

Principal Uses	Parks and Recreation
Natural Open Space	Permitted
Passive Park	Permitted
Walking and Biking Trail	Permitted
Wildlife Observation	Permitted

Section 40-020: Prohibited uses.

Any use not expressly, or by inference, permitted in Section 40-015, “Permitted uses,” is prohibited.

Section 40-025: Ancillary uses.

Uses that are ancillary to permitted principle uses, such as boardwalks, interpretive nature centers and overlooks, may be permitted subject to the granting of a Special Exception.

Section 40-030: Minimum plot size and dimension.

Plots located in the Conservation zoning district are subject to the following size and dimensional standards.

(A) Minimum size. None.

(B) Minimum dimension. None.

Section 40-035: Plot coverage, floor-to-area ratio, and pervious area.

Plots located in the Conservation zoning district are subject to the following standards.

(A) Plot coverage. The combined area of all buildings and roofed structures shall not exceed five percent of the plot area.

(B) Floor-to-area ratio. Parks and recreation uses shall not exceed a floor-to-area ratio of five hundredths (.05).

(C) Pervious area. The minimum pervious area shall be ninety percent of the plot area.

Section 40-040: Setbacks.

All buildings and structures or paved area in the Conservation zoning district shall provide setbacks that preserve and protect the greatest amount of Conservation land area.

Section 40-045: Height.

No buildings or structure, or part thereof, shall be erected or maintained to a height exceeding twenty-five feet.

PART III: SUPPLEMENTAL REGULATIONS

Article 45: Property Maintenance

Section 45-005: Purpose and intent.

(A) The purpose and intent of this Article is to:

- (1) Establish and define minimum standards for the proper care and maintenance of public and private properties within the Town of Loxahatchee Groves including the canals contiguous to such lands.
- (2) Provide an environment visually free of inoperable and unregistered vehicles and vessels; derelict aircraft; litter; garbage; debris; trash; unmaintained buildings or structures.
- (3) Encourage property owners to take reasonable precautions to prevent, discourage, or eliminate unauthorized dumping of vehicles and vessels, derelict aircraft, litter, garbage, debris, and trash.
- (4) Require owners of real and personal property to be responsible for the costs of removal of inoperable and unregistered vehicles and vessels, derelict aircraft, litter, garbage, debris, trash, and proper maintenance of buildings and structures.
- (5) Protect the public's health, safety and welfare and enhance property values and the quality of life in the Town.

(B) This article shall not be construed to:

- (1) Prohibit the collection of garbage or recyclable materials in authorized receptacles for collection by authorized garbage and trash collectors.
- (2) Prohibit, restrict, regulate, or otherwise limit any activity of a bona fide agricultural use provided that the activity has not been determined to be a nuisance pursuant to Article 50, "Public nuisances" and the activity is regulated through implemented best management practices or interim measures developed by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or water management districts and adopted under Chapter 120, F.S., as may be amended from time to time, as part of a statewide or regional program.

Section 45-010: Duty to maintain property.

(A) It shall be the responsibility of all property owners in the Town to maintain their property free of uncontained litter, garbage, non-vegetative debris and trash.

(B) A maximum of three (3) inoperable and unregistered vehicles and/or derelict aircraft, and other junk items may be kept on residential property only in a manner so that the junk is not visible from other public or private property and does not create a health, safety or environmental hazard. Such storage shall only be permitted as an accessory use and all inoperable and unregistered vehicles shall have all of their fluids drained and properly disposed. Any additional number of inoperable and unregistered vehicles or derelict aircraft above three (3) shall be stored in a completely enclosed structure.

(C) It shall be the responsibility of all property owners of developed land to maintain buildings or structures on their property in a state of good repair. "State of good repair" shall mean the following:

(1) Color. All residential buildings and structures shall be maintained free of graffiti and free of obvious defects that may affect the health, safety and welfare of the community.

(2) Doors and windows. All door and window openings of all buildings and structures in any zoning district shall be covered by windows and doors that are in working order with no obvious defects that may affect the health, safety and welfare of the community. This regulation shall not apply to barns, which shall be exempt from this provision.

(3) Materials. Any accessory structure on a plot shall be maintained free of visual disrepair, including but not limited to, bent, broken, cut or missing materials.

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Article 50: Public Nuisances

Section 50-005: Purpose and intent.

The purpose and intent of this Section is to regulate possible nuisances, such as excessive noise, visual detractions or eyesores, odors, vibration, and outdoor lighting which could interfere with the peaceful enjoyment of land.

Section 50-010: Excessive noise.

(A) The following are prohibited in the Town in that such activities create excessive noise.

(1) Any use, activity or operation which generates a sound level of 55 dB or greater on any surrounding property between the hours of 7:00 a.m. and 10:00 p.m.

(2) Any use, activity, or operation which generates a sound level of 50 dB on any surrounding property between the hours of 10:00 p.m. and 7:00 a.m.

(3) Any use, activity or operation that creates a sound level in excess of the foregoing limits for more than ten (10) percent of any time period of not less than ten (10) minutes, shall be a violation of these regulations.

(B) Sound Level Measurement Compliance shall be determined using a Type 2 or equivalent sound level meter using the A Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at the required structural setbacks of the property of the landowner filing the complaint.

(C) The following exceptions apply:

(1) Outdoor events (operating with a valid permit)

(2) Government sanctioned activities (e.g., parades, Town celebrations)

(3) Temporary, Portable Generators used only during periods of electrical power outages in utility distribution systems maintained by the utility service provider.

(4) Sound generated from motor vehicles legally operating on any public right-of-way regulated by Chapter 316, Florida Statutes (Uniform Traffic Control Law).

Section 50-015: Visual detractions or eyesores.

(A) The following are prohibited as public nuisances in that such items create a visual detraction or eyesore to the community, create an attractive nuisance to children, lead to the further accumulation of junk, garbage, trash, litter and debris, contribute to the

deterioration of both residential and nonresidential areas, or jeopardize the public's health, safety or welfare.

(1) Unauthorized storage and dumping of junk vehicles and vessels, derelict aircraft, junk items, debris, garbage, trash and litter.

(2) All buildings and structures maintained in a state of obvious poor repair.

(3) Any operation in which the following conditions exist:

- a. the presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases that are harmful to human or animal life.
- b. the presence of improperly built or improperly maintained septic tanks or toilets.
- c. the keeping of diseased animals that are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.
- d. the presence of unsanitary places where animals are slaughtered, which may give rise to diseases that are harmful to human or animal life.

Section 50-020. Vibration.

In all districts, no use shall operate nor any activity take place so as to produce vibration noticeable by a person of reasonable sensitivity at the property line, including bass emanating from audio speakers.

Section 50-025: Objectionable odors.

No person shall cause, suffer, allow or commit the discharge of air pollutants which contribute to an objectionable odor in accordance with Rule 62-296.320 (2) F.A.C., as may be amended from time to time.

Section 50-030: Outdoor lighting.

(A) Purpose and intent. The purpose and intent of this Section is to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Furthermore, it is to preserve the rural character of the Town of Loxahatchee Groves and promote the health, safety and welfare of the residents by establishing maximum intensities of lighting and controlling glare from lighting fixtures. The provisions of this Section shall apply to all outdoor lighting from an artificial light source.

(B) Definitions. In addition to terms defined in Article 10, "Definitions, Abbreviations, and Construction of Terms", the following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Subsection, except where the

context clearly indicates a different meaning. In the absence of a specific technical definition, words and phrases shall have those definitions and meanings as provided by the Illuminating Engineering Society of North America.

(1) Athletic field lighting. Any lighting greater than thirty-five feet in height utilized to illuminate sports facilities.

(2) Area light. Light that produces more than eighteen-hundred lumens.

(3) Cutoff, full. A lighting fixture that emits zero percent of its light above ninety degrees and only ten percent above eighty degrees from horizontal.

(4) Floodlight. Any light that produces no more than eighteen-hundred lumens in a broad beam designed to saturate or illuminate a given area with light. Generally, flood lights produce from one-thousand to eighteen-hundred lumens. Floodlights are directional fixtures.

(5) Glare. The sensation produced by lighting that results in annoyance, discomfort or a reduction of visual performance and visibility, and includes direct and reflected glare. All directional fixtures and any fixture with an output of more than eighteen-hundred lumens that is visible, either directly or by reflection, from adjacent properties or streets shall be considered to cause glare.

(6) Outdoor lighting. Lighting located outside of an enclosed building, or otherwise installed in a manner that lights any area other than the inside of an enclosed building.

(7) Residential and agricultural recreational lighting. Fixtures of a type or intensity designed or used to light sports courts or equestrian riding areas.

(8) Spotlight. Any lighting assembly designed to direct the output of a contained lamp in a specific, narrow and focused beam, with a reflector located external to the lamp. Spotlights are directional fixtures.

(9) Stadium lighting. See the definition for “athletic field lighting”.

(10) Temporary lighting. Portable lights used for a special purpose, on a temporary and rare or infrequent basis, limited to motor vehicle lights during the normal operation of the vehicles, emergency services lights and handheld flashlights and spotlights.

(11) Uplighting. Light projected above the horizontal plane formed by the top of fixture.

(C) Prohibited outdoor lighting. The following types of outdoor lighting are not permitted in the Town of Loxahatchee Groves.

(1) Uplighting, unless limited to one-thousand lumens and either shielded by an architectural overhang or landscape element, or used to illuminate the flag of the United States of America.

(2) Area lights other than those with full cutoff fixtures.

(3) Lighting that results in glare onto adjacent properties or streets.

(4) Athletic field lighting.

(5) Street lights within residential zoning districts, except as determined necessary by the Town Council to protect public health, safety and welfare based upon consideration of traffic volumes and roadway conditions.

(D) Outdoor lighting standards. All applications for a development permit, submitted after the effective date of this Code, shall comply with the following standards.

(1) The overspill of light originating from any plot, regardless of zoning, onto any other plot or street located within a residential zoning district in the Town shall not exceed one-tenth (0.1) horizontal foot-candle measured at grade level at the property line.

(2) All vehicular use areas, other than those that are accessory to a single-family residence, shall be lighted in compliance with the minimum standards established by the Illuminating Engineering Society of North America. using cutoff lighting with a maximum height of twenty-five (25) feet. For purposes of this provision, “vehicular use area” does not include streets.

(3) Vegetation screens shall not be employed as the primary means for controlling glare. Glare control shall be achieved primarily through the use of cutoff fixtures, shields and baffles, and the appropriate application of fixture mounting height, lighting intensity, placement and angle.

(4) For development in districts other than Agricultural Residential, electrical feeds for all pole mounted fixtures installed after the effective date of this Code shall run underground, not overhead.

(5) Open air parking lighting shall be controlled by automatic devices that extinguish the lighting between 11:00 p.m. and dawn.

(6) Outdoor lighting for agricultural or residential uses that exceeds 1,800 lumens per fixture shall be full cutoff fixtures.

(7) Outdoor lighting for agricultural or residential uses that exceeds 1,800 lumens per fixture that is not a full cutoff fixture, and all residential and agricultural recreational lighting shall be approved by the Town prior to installation, in accordance with the

procedures set forth for outdoor lighting permits for nonresidential uses set forth in (G) below.

(E) Nonconforming outdoor lighting. Any legally installed outdoor lighting that does not conform to all of the provisions of this Section shall come into compliance within one (1) years of the effective date of these regulations, except that approval of any application for a development permit that seeks to increase the existing total square footage of structures on a residential plot by fifty percent or more shall require that all lighting on site be brought into compliance with these regulations.

(F) Outdoor lighting permits for nonresidential uses. All outdoor lighting on nonresidential plots of greater than 4000 lumens (separate fixture or combined) per plot shall be approved by the Town prior to installation.

(1) Application. The application for an outdoor lighting permit shall be accompanied by a photometric plan, prepared by a licensed engineer, in sufficient detail to demonstrate compliance with these regulations, including mounting heights, fixture specifications, and isofootcandle plots for individual fixture installations or a ten by ten foot (10'x10') luminance grid for multiple fixture installations. All photometric plans shall overlay a site plan showing all structures, vehicular use areas and walkways. The plan shall also show all existing and proposed trees within twenty-five feet of any existing or proposed light fixture within the area that is the subject of the photometric plan.

(2) Prior to final inspection and the subsequent issuance of a final approval of any outdoor lighting, a letter of compliance from a registered professional engineer shall be provided to the Town stating that the installation has been field checked and meets the requirements of these regulations.

(3) The Town reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Section, and if appropriate, to require remedial action at no expense to the Town.

(G) Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this Section.

Article 55: Alcoholic Beverage Establishments

Section 55-005: Purpose and findings.

The Town finds that alcoholic beverage establishments, which because of their very nature, are recognized as having serious objectionable characteristics particularly when several of them are concentrated in any given location, thereby having a deleterious effect upon adjacent properties. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting and downgrading of surrounding properties. The regulations contained in this Article shall apply in addition to other requirements or limitations of this Code.

Section 55-010: Separation requirements.

Alcoholic beverage establishments shall be located at least seven hundred and fifty linear feet from any other such establishment, education center, place of worship, or child care center.

(A) Distance separation requirements shall not apply if one or both of the two establishments are an alcoholic beverage establishment within a principal use; or an alcoholic beverage establishment operated as part of a permitted outdoor event.

(B) The required distance separation shall be measured and computed by following a straight line from the nearest point of the existing building or structure, or part thereof, in which any other such establishment, education center, place of worship or child care center is located or has received approval to locate, to the nearest point of the building or structure, or part thereof, in which an alcoholic beverage establishment is proposed to be located.

(C) For the purpose of determining the distance between alcoholic beverage establishments and places of worship, educational centers, child care centers, and other alcoholic beverage establishments, the applicant for such use shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed establishment and any place of worship, education center, child care center and any existing alcoholic beverage establishment. The survey shall indicate the shortest distance as measured and computed in the manner set forth herein. In case there are no places of worship, educational centers, child care centers or existing alcoholic beverage establishments within the distances set forth herein, the survey shall so certify.

(D) If the proposed establishment is to be located within a single building or structure containing multiple tenants, which includes an existing alcoholic beverage establishment, educational center, place of worship or child care center, the required distances shall be measured and computed by utilizing the main entrances of the proposed establishment and the existing alcoholic beverage establishment, educational center, place of worship or child care center therein.

Section 55-015: Existing alcoholic beverage establishments.

(A) Where an alcoholic beverage establishment is located in conformity with the provisions of this Article, the subsequent locating of a place of worship, educational center or child care center within seven hundred and fifty linear feet of the existing alcoholic beverage establishment shall not be construed to cause such establishment to be in violation of this Article or to be considered a nonconforming use.

(B) Except as provided above, any existing alcoholic beverage establishment which does not conform to the provisions of this Article but which conformed to the regulations in effect when such establishment began operating and which was approved through the issuance of a zoning certificate, certificate of use or occupational license shall be considered a legal nonconforming use, subject to the provisions of Article 70, "Nonconforming Uses, Structures, and Plots."

Article 60: Telecommunication Towers and Antennas

Section 60-005: Purpose and intent.

The regulations and requirements of this Section are intended to achieve the following:

- (A) Promote the health, safety and general welfare of the citizens by regulating the siting of telecommunications towers and antennas within the Town; and ensure compliance with all applicable federal statutory requirements;
- (B) Provide for the appropriate location and development of telecommunications towers and antennas within the Town;
- (C) Minimize adverse visual effects of telecommunications towers and antennas through careful design, siting, landscaping, screening and innovative camouflaging techniques;
- (D) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and
- (E) Protect residential areas and land uses from potential adverse impacts of telecommunication towers and antennas by maximizing use of any new or existing telecommunications towers through shared use, i.e., co-location, and combining to reduce the number of towers needed.

Section 60-010: Definitions.

The following words, terms and phrases, when used in this Section, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (A) Accessory use. A use incidental to, subordinate to, and subservient to the main use of the property.
- (B) Antenna. A transmitting and/or receiving device and/or relays used for wireless services that radiates or captures electromagnetic waves, including directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips, excluding radar antennas, amateur radio antennas and satellite earth stations.
- (C) Antenna support structure. Any building or structure, other than a tower, that can be used for location of telecommunications facilities.
- (D) Combined antenna. An antenna or an array of antennas designed and utilized to provide services for more than one carrier.
- (E) Extraordinary conditions. Subsequent to a hurricane, flood, or other natural hazard or subsequent to a defective finding on a previous inspection.

(F) Guyed tower. A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

(G) Master Microcell facility. A telecommunications facility consisting of an antenna (as defined above) and related equipment which is located either on a telecommunications tower or affixed to a structure in some fashion for the provision of wireless services.

(H) Microwave dish antenna. A dish-like antenna used to link wireless service sites together by wireless transmission of voice or data.

(I) Monopole tower. A telecommunications tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors.

(J) Panel antenna. An array of antennas designed to concentrate a radio signal in a particular area.

(K) Roofline. The overall ridge line of the structure which does not include cupolas, elevator towers, clock towers or other features that are permitted to exceed the maximum height of the structure.

(L) Self-support lattice tower. A tapered structure broad at the base and narrower at the top consisting of cross-members and diagonal bracing and without guyed support.

(M) Stealth facility. Any telecommunications facility which is designed to blend into the surrounding environment. Examples of stealth facilities include architecturally screened roof mounted antennas, antennas integrated into architectural elements, and telecommunication and/or wireless services towers designed to look like light poles, flag poles, power poles, trees or other similar structures.

(N) Stealth/camouflaged monopole. A telecommunication tower consisting of a single pole or spire self-supported by a permanent foundation, constructed without guy wires and ground anchors and designed to blend into the surrounding environment. Examples of stealth/camouflaged monopole towers telecommunication and/or wireless services towers designed to look like light poles, flag poles, power poles or trees.

(O) Telecommunication facility. A combination of equipment which is located either upon a telecommunication tower or a structure which includes some form of antenna for the purpose of transmitting and receiving wireless services.

(P) Telecommunications tower. A stealth/camouflaged monopole, monopole, self support/lattice, or guyed tower, constructed as a free-standing structure, containing one or more antennas, used in the provision of wireless services, excluding radar towers, amateur radio support structures licensed by the Federal Communications Commission (FCC), private home use of satellite dishes and television antennas and satellite earth stations installed in accordance with applicable needs.

(Q) Whip antenna. A cylindrical antenna that transmits and/or receives signals in three-hundred and sixty (360) degrees.

Section 60-015: Hierarchy of siting freestanding telecommunication towers.

(A) Freestanding telecommunication towers shall be located in the following order of hierarchy:

- (1) Town owned property (within any zoning district)
- (2) Institutional and Public Facilities (IPF) zoning district
- (3) Commercial Low (CL) zoning district
- (4) Commercial Low Office (CLO) zoning district
- (5) Agricultural Residential (AR) zoning district

Section 60-020: Siting of towers on Town owned property.

(A) Town owned property within any zoning district shall take preference over any other property. Freestanding telecommunications towers shall be deemed a permitted use on any Town owned property in accordance with an executed lease agreement acceptable to the Town. The Town shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein.

(B) If the proposed site is other than Town owned property, the applicant shall provide an affidavit that demonstrates a need for the placement of the facility at that location and describes why any higher option in the hierarchy cannot be used in order to justify the selection of a location type lower in the hierarchy.

(C) The Town may, as appropriate, to protect its property and the public interest establish additional requirements beyond the minimum requirements of a permit for Town owned property. Setback and distance requirements in the Town Code may be, modified to the extent necessary to provide for the public interest as determined by the Town Council. This provision further does not preclude the Town from issuing a letter of interest for the purposes of leasing sites on designated Town property for the construction and installation of telecommunications facilities. For designated Town owned property, the Town will encourage the installation of telecommunications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

Section 60-025: Minimum standards for development of towers.

All telecommunications towers must meet the following minimum standards:

(A) Tower types. To minimize adverse visual impacts, tower types shall be selected based upon the following hierarchy:

(1) Stealth/camouflaged monopole

(2) Monopole

(3) Self-support/lattice tower

(B) Not permitted. Guyed towers shall not be permitted.

(C) Selection based on hierarchy. The applicant shall be required to demonstrate, in a technical manner acceptable to the Town Council why each option in the hierarchy cannot be used for the particular application in order to justify the selection of a tower type lower in the hierarchy.

(D) Capability of collocation. No new tower shall be built, constructed or erected in the Town unless such tower is capable of accommodating, at a future date, additional telecommunications facilities owned by other persons and the tower owners agree to comply with Section 060-075, "Existing towers." All new towers shall be designed and built to accommodate multiple users; at a minimum, stealth/camouflaged monopole and monopole towers shall be able to accommodate three users and at a minimum, self-support/lattice towers shall be able to accommodate four users. As wireless technology advances, applicants may be required to construct facilities utilizing advancing technologies including, but not limited to, combined antennas when determined necessary for health, safety, welfare, aesthetics, and compatible with provider's technical, capacity and coverage requirements. The applicant shall state in any application for permit that it will, as a condition of issuance of the permit, accommodate antenna facilities of other providers, on a nondiscriminatory basis on terms which are reasonable in the industry unless the applicant can affirmatively demonstrate, based on verifiable objective data, why it cannot do so. Refusal to continually comply with this obligation shall be a violation of this ordinance and shall be grounds for revoking applicant's permit.

(E) Non-interference. The construction and placement of any tower shall not unnecessarily interfere with public safety communications and the usual customary transmission of or reception of radio and television service enjoyed by surrounding residential and nonresidential properties. In order to verify that this requirement has been met, a statement shall be prepared by a radio frequency (RF) licensed professional engineer or a radio frequency engineer who has at least a four year engineering degree, identifying any interference that may result from the proposed construction and placement of a telecommunications tower.

(F) Access. A parcel of land upon which a tower is located must provide access during normal business hours to at least one paved or compacted and stabilized vehicle parking space adjacent to each tower location. Access to the tower shall be through a locked gate.

(G) Emission standards. All proposed telecommunication towers shall comply with current radio frequency emissions standards of the Federal Communications Commission or other legally regulating body. Each application for a telecommunications tower may be required to include a statement that there is no objection from federal or state agencies that may regulate telecommunications tower siting, design and construction in order to verify that this requirement has been met.

Section 60-030: Height, setbacks and related location requirements.

(A) The height of a telecommunication tower shall not exceed one-hundred and fifty feet not including non-structural lightning rods and required safety lightning. Tower height shall be measured from the crown of the road of the nearest public street.

(B) Telecommunication towers shall at a minimum conform with the setback established for the underlying zoning district.

(C) Stealth/camouflaged monopole, monopole, or self-support/lattice telecommunication towers shall not be permitted in proximity to any plot in the Agricultural Residential (AR) zoning district that is within four times (4x) the height of the tower. By way of illustration, if the Tower is one-hundred and fifty feet, it must be at least six-hundred feet from any Agricultural Residential plot of land.

(D) All buildings and other structures to be located on the same property as a telecommunications tower shall conform with the setbacks established for the underlying zoning district.

(E) Waiver. This provision may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the Town or compliance with other regulations, and in the best interest of telecommunication service to the community. Any waiver shall require four affirmative votes of the Town Council.

Section 60-035: Buffering.

(A) An eight foot high fence or wall, as measured from the finished grade of the site, shall be required around the tower and any accessory buildings or structures. In no case shall barbed wire or razor wire fencing be permitted.

(B) Landscaping, consistent with the requirements of Sec. 85-050(B) shall be installed around the entire outside perimeter of any fence or wall. Additional landscaping may be required around the perimeter of a fence or wall and around any or all anchors or supports if deemed necessary to buffer in order to enhance compatibility with adjacent residential and nonresidential land uses.

(C) Landscaping consistent with said Sec. 85-045 shall be installed around any accessory buildings or structures.

Section 60-040: High voltage, “No Trespassing” and other warning signs.

(A) If high voltage is necessary for the operation of the telecommunications tower or any accessory structures, “HIGH VOLTAGE-DANGER” warning signs shall be permanently attached to the fence or wall and shall be placed no more than forty feet apart.

(B) “NO TRESPASSING” warning signs shall be permanently attached to the fence or wall and shall be spaced no more than forty feet apart.

(C) The letter for the “HIGH VOLTAGE-DANGER” and “NO TRESPASSING” warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five feet above the finished grade of the fence.

(D) The warning signs may be attached to freestanding poles if the content of the signs may be obstructed by landscaping.

(E) Signs noting Federal Registration (if required) shall be attached to the tower structure in compliance with federal regulation.

Section 60-045: Equipment storage.

Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility, unless repairs to the facility are being made. Portable emergency generators may be temporarily located at a telecommunications facility in the event of a power outage but must be removed upon resumption of power. Portable “crank-up” or otherwise mobile telecommunications facilities may not be located at a telecommunications facility. Nothing in this Section shall preclude the placement of a permanent generator onsite provided that the generator meets the criteria set forth in the Town Code and is in compliance with the Florida Building Code, as amended.

Section 60-050: Removal of abandoned or unused facilities.

All abandoned or unused telecommunications tower facilities shall be removed by the tower owner/operator within ninety days of the cessation of use. A tower shall be considered abandoned if use has been discontinued for one-hundred and eighty consecutive days. Telecommunications towers being utilized for other purposes, including but not limited to light standards and power poles, may be exempt from this provision where superseded by the requirements of other county, state or federal regulatory agencies.

Section 60-055: Signs and advertising.

The use of any portion of a tower for signs or advertising purposes, including but not limited to a company name, banners, streamers, religious icons etc., shall be strictly prohibited.

Section 60-060: Accessory buildings or structures.

All accessory buildings or structures shall meet all building design standards as listed in the Town Code and in accordance with the provisions of the Florida Building Code, as amended. All accessory buildings or structures shall require a building permit.

Section 60-065: Colors.

Except where superseded by the requirements of other county, state, or federal regulatory agencies possessing jurisdiction over telecommunications towers, telecommunications towers shall be painted or constructed in neutral colors, designed to blend into the surrounding environment, such as non-contrasting gray.

Section 60-070: Inspection report required.

(A) Telecommunication tower owners shall submit a report to the Town Manager certifying structural and electrical integrity every two years.

(B) Inspections shall be conducted by an engineer licensed to practice in the State of Florida. The results of such inspections shall be provided to the Town Manager. Based upon the results of an inspection, the Town Manager may require repair or removal of a telecommunication tower.

(C) The Town may conduct periodic inspections with the cost of such inspection paid by the tower owner of the telecommunications tower(s) to ensure structural and electrical integrity. The owner of the telecommunication tower may be required by the Town to have more frequent inspections if there is evidence that the tower has a safety problem or is exposed to extraordinary conditions.

Section 60-075: Existing towers.

(A) All telecommunications towers existing before the adoption of this Code which do not meet the requirements of this ordinance shall be considered legally nonconforming under this Section and allowed to continue their legal usage as they presently exist, with the exception of Federal regulations relating to the health and safety of exposure levels as defined by the Occupational Safety and Health Act as amended and radio frequency (RF) exposure levels as defined by Federal Communications Commission regulations. Any modification of a legal nonconforming tower must be submitted for review as required herein for modifications, however, approval shall be granted by the Town Council. New

construction other than routine maintenance on an existing telecommunications tower shall comply with the requirements of this Section.

(B) Notwithstanding the above provisions of this Section, telecommunications antennas may be placed on existing towers with sufficient loading capacity after approval by the Town Manager. The capacity shall be certified by an engineer licensed to practice in the State of Florida.

(C) Any owner of land upon whose parcel of land a tower is located, which contains additional capacity for installation or co-location of telecommunications facilities, shall allow other persons to install or co-locate telecommunications facilities on such a tower subject to reasonable terms and conditions negotiated between the parties and subject to the terms of the original tower agreement.

(D) An existing tower may be modified to accommodate co-location of additional telecommunications facilities as follows:

(1) Application for a development permit shall be made to the Town Manager who shall have the authority to issue a development permit without further approval by the Town Council.

(2) The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the pre-modification height approved for that location.

(3) A tower that is being rebuilt to accommodate the co-location of additional telecommunications facilities may be moved on site subject to the setback requirements of the zoning district where the tower is located.

(4) Additional antennas, communication dishes and similar receiving or transmission devices proposed for attachment to an existing telecommunications tower, shall require review of the Town Council. The application for approval to install additional antennas shall include certification from an engineer registered in Florida indicating that the additional device installed will not adversely affect the structural integrity of the tower. A visual impact analysis shall be included as part of the application for approval to install one or more additional devices to an existing tower. However, addition of up to two antennas per sector, of similar profile to those existing on an existing antenna sectorized "platform", shall not require review of the Town Council. Applicants must still demonstrate the structural integrity of the tower with the additional antennas to the Town prior to construction.

Section 60-080: Application and fee requirements.

(A) Permit required. Construction without Town permit is prohibited. No construction shall be started until a permit to construct has been granted by the Town Manager. At the time of filing the construction drawings and documents referred to herein, the developer or owner or applicant as the case may be shall provide a detailed cost analysis of the cost

of construction of the telecommunications facilities covered by this Section. The applicant, developer, or owner as the case may be shall pay the Town permit fees in accordance with the Schedule of permit fees, of the Town Code.

(B) Application fee required. A filing fee in an amount necessary to cover the costs for the processing of the application shall be submitted for site development approval. In addition, a biennial inspection fee in the amount necessary to cover the costs of the inspection process is due to the Town at the time of inspection.

(C) Prior to the issuance of a building, electrical, engineering or a construction permit, a site development plan shall be presented to the Town Council. If, however, the proposed tower is located on Town property, a site development plan shall be presented to the Town Manager only prior to the issuance of a building, electrical, or a construction permit since the lease agreement which includes the site development plan will be reviewed by the Town Council prior to the actual submittal of a site development plan application. Each application for a proposed telecommunications tower shall include all requirements for site development plan approval as required in other Sections of the Town Code. To help ensure compatibility with surrounding land uses, each application for a proposed communication tower shall include the following information:

(1) The exact location of the proposed tower location on a Town of Loxahatchee Groves Official Zoning Map;

(2) The maximum height of the tower;

(3) The location of the proposed tower, placed upon an aerial photograph possessing a scale of not more than one inch equals three-hundred feet, indicating all adjacent land uses within a radius of three-thousand feet from a property line of the proposed tower location site;

(4) The names, addresses and telephone numbers of all owners of other towers or antenna support structures within the search area of the proposed new tower site, including Town owned property;

(5) Written documentation that the applicant made diligent but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on all Town owned towers or antenna support structures located within the search area of the proposed tower site;

(6) Written documentation that the applicant made diligent but unsuccessful efforts for permission to install or co-locate the applicant's telecommunications facilities on all towers or antenna support structures owned by other persons located within the search area of the proposed tower site;

(7) A delineation of the search area needed for the coverage or capacity;

(8) A line of sight analysis which shall include the following information:

- a. An identification of significant existing natural and man-made features adjacent to the proposed tower location, to indicate those features that will provide buffering for adjacent properties and public rights-of-way;
- b. A statement as to the potential visual and aesthetic impacts of the proposed tower on all adjacent residential zoning districts;
- c. An identification of specific points, measured two thousand feet north of the proposed tower, two thousand feet south of the proposed tower, and two thousand feet east and west of the proposed tower from which the line of sight analysis is presented or the closest accessible public property from each of the above delineated points;
- d. A graphic illustration of the visual impact of the proposed tower, at a scale that does not exceed five degrees of horizontal distance, presented from specific points identified within the line of sight analysis;

(9) A report shall be submitted, prepared by a licensed professional engineer, which describes the tower height and design, including a cross-section of the structure; through rational engineering analysis demonstrates the tower's compliance with applicable standards as set forth in the Florida Building Code, as amended; and describes the tower's capacity, including number and type of antennas and dishes it can accommodate;

(10) Proof of adequate insurance coverage acceptable by the Town for any potential damage caused by the tower. A thirty day notice of cancellation of insurance to the Town is required.

(11) Such other additional information as may be reasonably required by Town staff to fully review and evaluate the potential impact of the proposed tower, including:

- a. the existing cell sites (latitude, longitude, power levels) to which this proposed site will be a handoff candidate;
- b. an RF plot indicating the coverage of existing sites, and that of the proposed site;
- c. antenna heights and power levels of proposed site;
- d. a written affidavit stating why the proposed site is necessary for their communications service (e.g., for coverage capacity, hole-filling, etc.) and a statement that there are no existing alternative sites within the provided search area, and there are no alternative technologies available which could provide the proposed service enhancement without the tower. Town staff may utilize the services of a registered professional engineer or a radio frequency engineer who has at least a four

year engineering degree to confirm the statements made above. The cost of same shall be borne by the applicant.

Section 60-085: Public notification and project completion.

(A) Notice of public notification. Notice of an application for a telecommunications tower shall be sent via certified mail to all property owners within a fifteen hundred foot radius of the affected property. The applicant shall provide the notification mailing labels and shall pay the Town's costs for the preparation of the notification letters and the mailing as well as the cost of the certified mailing.

(B) Time limit on project completion. Once a telecommunications tower is approved by the Town, a building permit application shall be submitted within six months.

Section 60-090: Maintenance.

(A) Providers shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(B) Providers shall install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state and local regulations, and in such manner that will not interfere with the use of other property.

(C) All towers, telecommunications facilities and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

(D) All maintenance or construction on a tower, telecommunications facilities or antenna support structure shall be performed as provided by law.

(E) All towers shall maintain compliance with current radio frequency emissions standards of the FCC.

(F) In the event any portion of the use of the tower is discontinued by any provider, that provider shall provide written notice to the Town of its intent to discontinue use and the date when the use shall be discontinued.

Section 60-095: Antennas not located on telecommunications towers.

(A) Stealth and non-stealth rooftop or building-mounted antennas not exceeding twenty feet above roofline and not exceeding ten feet above maximum height of applicable zoning district shall be permitted in the following order of hierarchy.

- (1) Town owned property (within any zoning district)
- (2) Institutional and Public Facilities (IPF) zoning district
- (3) Commercial Low (CL) zoning district
- (4) Commercial Low Office (CLO) zoning district
- (5) Agricultural Residential (AR) zoning district

(B) The approval of any antenna not located on telecommunications towers shall be subject to site plan review by the Town Manager or a designee with a showing that the minimum standards as specified in this ordinance have been met with a final approval by the Town Council.

(C) Town owned property shall take preference over privately owned property. If the proposed site is other than Town owned property, the applicant shall provide an affidavit that demonstrates a need for the placement of the facility at that location and describes why any higher option in the hierarchy cannot be used in order to justify the selection of a location type lower in the hierarchy.

(1) Stealth and non-stealth rooftop or building-mounted antennas shall be deemed a permitted use on any Town owned property in accordance with an executed lease agreement acceptable to the Town. The Town shall have no obligation whatsoever to execute such lease even if the applicant can meet the criteria set forth herein. The Town may, as appropriate, to protect its property and the public interest, establish additional requirements beyond the minimum requirements of a permit for Town owned property. Setback and distance requirements in the Town Code may be modified to the extent necessary to provide for the public interest as determined by the Town Council. This provision further does not preclude the Town from issuing a letter of interest for the purposes of leasing sites on designated Town property for the construction and installation of telecommunications facilities. For designated Town owned property, the Town will encourage the installation of telecommunications facilities which have a minimal impact on the surrounding areas and are consistent with the development of the affected area.

(D) Minimum standards. Buildings or rooftop antennas shall be subject to the following standards:

- (1) No commercial advertising or religious icons shall be allowed on an antenna;
- (2) No signals, lights, or illumination shall be permitted on an antenna, unless required by the Federal Communications Commission or the Federal Aviation Administration;
- (3) Any related unmanned equipment building shall not contain more than seven hundred fifty square feet of gross floor area or be more than twelve feet in height; and

- (4) If the equipment building is located on the roof of the building, the area of the equipment building shall not occupy more than twenty-five percent of the roof area;
- (5) Each application shall contain a rendering or photograph of the antenna including, but not limited to, colors and screening devices. This shall be subject to administrative approval for consistency with the definition of stealth facility.
- (6) Antennas shall only be permitted on buildings which are at least two stories in height.
- (7) Antennas may not exceed more than ten feet above the highest point of a roof. Stealth antennas attached to but not above rooftop structures shall be exempt from this provision.
- (8) Antennas and related equipment buildings shall be located or screened to minimize the visual impact of the antenna upon adjacent properties and shall be of the material or color which matches the exterior of the building or structure upon which it is situated.
- (9) When located on building façade, building mounted antennas shall be painted and texturized to match the existing building.
- (10) Requirements in this Section may be waived where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the Town and in the best interest of telecommunication service to the community.

(E) Antenna types. To minimize adverse visual impacts, antenna types shall be selected based upon the following hierarchy:

- (1) Panel
- (2) Dish
- (3) Whip

If non-stealth antenna(s) is proposed, the applicant shall be required to demonstrate, in a technical manner acceptable to the Town, why each option in the hierarchy cannot be used for the particular application in order to justify the selection of an antenna type lower in the hierarchy. This does not preclude a combination of the various types of antennas.

(F) Antenna dimensions. A statement shall be submitted, prepared by a professional registered engineer licensed to practice in the State of Florida, or a radio frequency engineer who has at least a four year engineering degree, who is competent to evaluate suitability of antennas types, to certify the need for required dimensions.

(G) Aircraft hazard. Prior to the issuance of a building permit, the application shall provide evidence that the telecommunications towers or antennas are in compliance with Federal Aviation Administration (FAA) regulations. Where an antenna will not exceed the highest point of the existing structure upon which it is mounted, such evidence shall not be required.

Section 60-100: Shared use of communication towers.

(A) Notwithstanding any other provision of this Article, to minimize adverse visual impacts associated with the proliferation and clustering of telecommunication towers, co-location of facilities on existing or new towers shall be encouraged by:

(1) Only issuing permits to approved shared facilities at locations where it appears there may be more demand for towers than the property can reasonably accommodate; or

(2) Giving preference to approved shared facilities over other facilities in authorizing use at particular locations.

(B) No development approval to develop, build, construct, or erect a tower pursuant to this Section shall be granted to any person on the basis that it is economically unfeasible for such person to co-locate or install its telecommunications facilities on a tower or antenna support structure owned by another person.

(C) Co-location of communication antennas by more than one provider on existing or new telecommunications tower shall take precedence over the construction of a new single-use telecommunications towers. Accordingly, each application for a telecommunications tower shall include the following:

(1) A written evaluation of the feasibility of sharing a telecommunication tower, if appropriate telecommunications towers are available. The evaluation shall analyze one or more of the following factors:

- a. Structural capacity of the towers;
- b. Radio frequency interference;
- c. Geographical search area requirements;
- d. Mechanical or electrical incompatibility;
- e. Inability or ability to locate equipment on the tower or towers;
- f. Availability of towers for co-location;
- g. Any restrictions or limitations of the Federal Communications Commission that would preclude the shared use of the tower;

h. Additional information requested by Town.

(2) The Town may deny an application if an available co-location is feasible and the application is not for such co-location.

(3) For any telecommunications tower approved for shared use, the owner of the tower shall provide notice via certified mail of the location of the telecommunications tower and sharing capabilities to all other wireless tower users in Palm Beach County.

(4) The owner of any telecommunications tower approved for shared use shall cooperate and negotiate fairly with all other possible tower users regarding co-location leases.

(5) Requirements in this Section may be waived where it is determined that based upon site, location, or facility, such waiver is in the best interest of the health, safety, welfare, or aesthetics of the Town and in the best interest of telecommunication service to the community. Any waiver shall require four affirmative votes of the Town Council.

(D) Co-location application fee required. A filing fee in the amount necessary to process the co-location application shall be submitted upon the application for co-location approval.

Section 60-105: Satellite receiving antenna (SRA).

(A) Definition. Satellite receiving antenna means a round dish-like antenna larger than one meter (39.37 inches), intended to receive signals from orbiting or geo-stationary satellites and other sources, or to link wireless service sites together by wireless transmission of voice or data.

(B) Residential standards. Any SRA located on residential property shall be restricted to residential use.

(C) Nonresidential standards. All SRAs shall meet the following standards.

(1) All SRAs shall be ground-mounted and located in the rear yard so as not to be visible from any public right-of-way.

(2) A SRA may not be located in the rear yard if the rear lot line abuts a public right-of-way or lands zoned residential.

(3) Landscaping including shrubs a minimum of thirty-six (36) inches on all sides, an opaque screen (i.e., wood fence, translucent mesh, etc.) or both shall be incorporated on any dish located in a rear yard.

(4) No SRA shall exceed twenty feet in height measured from grade. No dish shall exceed fifteen feet in diameter.

(5) Nonresidential SRAs may be considered for roof installation provided that it is screened by parapets that appear to be an integral part of the building so that not more than twenty-five percent of the antenna height is visible from grade level of adjacent property and adjacent public or private right-of-way.

(6) All SRAs shall not be light reflective. Dish antennas shall not have any sign copy on them nor shall they be illuminated.

(7) Each person wishing to place SRAs in nonresidential zoned property shall make application to development review committee as a conditional use and same shall be granted or denied by the Town Council of the Town of Loxahatchee Groves.

(8) There shall be no more than one antenna as described in paragraph (A) on any plot. However, where business is licensed by the Town as a dealer of electronic equipment, such business may have two antennas as described in paragraph (A) for their plot.

Section 60-110: Payment to the Town for telecommunication towers and antennas.

All monies received for the leasing of Town property for telecommunication towers and antennas shall be deposited in the Town's general fund.

Section 60-115: Waiver.

Any provision of this Section may be waived by the Town Council where it is determined that based upon site, location or facility, such waiver is in the best interest of the health, safety, welfare or aesthetics of the Town or compliance with other regulations, and in the best interest of telecommunication service to the community. Any waiver shall require four affirmative votes of the Town Council.

Article 65: Agricultural Uses

Section 65-005: Purpose and intent.

The purpose and intent of this Article is to protect, and provide regulatory relief for, reasonable agricultural activities conducted on farm land in the Town as consistent with the Florida Right to Farm Act (823.14, F.S.).

Section 65-010. Determination of valid agricultural use.

Any property owner who seeks the regulatory relief provided for an agricultural use as defined herein, must either provide documentation to the Town from the Palm Beach County Property Appraiser's Office demonstrating that the property is currently classified as agriculture pursuant to Section 193.461, F.S., as may be amended from time to time, or as an alternative, demonstrate to the Town Council that the use is agricultural, as defined herein. Once documentation is provided, the Town shall maintain an on-going record of such use and assume that each property continues to maintain its agricultural status unless a claim is made otherwise. If a claim is made otherwise, the property owner shall demonstrate the use is agricultural as provided for in this section.

Section 65-015: Nonagricultural uses and structures on properties with a bona fide agricultural use.

Nonagricultural uses and structures on properties with a valid agricultural use shall not qualify for modifications or exceptions to the Code based on agricultural status unless specifically stated otherwise.

Article 70: Drainage, Swales and Culverts

Section 70-005: Purpose and intent.

The purpose and intent of this Article is to protect adjacent properties from stormwater flooding caused by the improper use or care of swales and culverts.

Section 70-010: Use of rights-of-way and swales.

A Town permit is required for any use of any rights-of-way and swales that involves installation; erection, placement or removal of any structure, object or landscaping material; earthwork; grading; paving; physical occupation; any activity that would obstruct or alter drainage; and/or any commercial or business use, including but not limited to, use of rights-of-way and swales to grow or store plants or material incidental to a plant nursery or other agricultural use for wholesale or retail.

Section 70-015. Maintenance of swales and culverts.

It shall be the duty of each property owner to maintain swales and culverts adjacent to their property in a manner that is free of vegetative overgrowth, rocks and debris.

Section 70-020: Drainage to be contained on site.

All plots and parcels of land shall be required to maintain all stormwater on site, or convey stormwater runoff in a legally permissible manner.

Section 70-025: Culverts required.

All properties shall be required to provide a culvert under each driveway connection to the road to facilitate the flow of stormwater. Culverts shall be a minimum of fifteen inches in diameter.

Article 75: Nonconforming Uses, Structures and Plots.

Section 75-005. Purpose and intent.

The purpose and intent of this Article is to regulate and limit the development and continued existence of lawfully established uses, structures and plots established on or after October 1, 2006, that do not conform to the requirements of these regulations. The provisions of this Article are designed to generally curtail substantial investment in nonconformities and bring about their eventual elimination in order to preserve the integrity of these regulations. Any nonconforming use, structure or plot that does not conform to the requirements of this Code and that lawfully existed as of the effective date of these regulations, and any use, structure or plot that has become nonconforming as a result of the adoption of these regulations or any subsequent amendment hereto may be continued or maintained only in accordance with the terms of this Article as well as all other provisions in this Code pertaining to nonconformities. Where a period of time is specified in this Article, or in any other Article of this Code, for the removal or discontinuance of nonconforming structures or uses, said period shall be computed from the effective date of such reclassification or change of regulations.

Section 75-010: Uses and structures existing as of October 1, 2006.

Notwithstanding other provisions contained in this Article, all uses, structures and plots of land that were legal and conforming to the Palm Beach County Unified Land Development Code as of October 1, 2006, shall be deemed to be legal and conforming to the these regulations, as may be amended from time to time. The existence of uses and structures, as well as their legality and their conformity to the Palm Beach County Unified Land Development Code as of October 1, 2006, shall be subject to verification by the Town Council, and the burden of proof shall be borne by the property owner. If, however, such use is abandoned for a period of 180 consecutive days or more, the use of the property shall be required to conform to all other provisions of these regulations.

For purposes of this Section, the term “abandoned” shall mean the willful and intentional discontinuance of a use, and shall not include any discontinuance resulting from a natural disaster.

Section 75-015: Determination of a nonconformity.

The Town Council shall make a determination as to the existence of a nonconformity based upon evidence furnished by the applicant for the determination. Town staff may make use of affidavits and investigation as necessary, however, the applicant shall bear the burden of proof that the property is entitled to nonconforming status.

The question as to whether a nonconforming use exists shall be a question of fact, and the determination of Town staff may be appealed pursuant to the procedures of Article 145, “Administrative Appeals.”

Section 75-020: Nonconforming uses.

(A) Extension of nonconforming use of structure. The nonconforming use of a structure may be extended throughout any part of the structure clearly designed for such use but not so used at the effective date of the ordinance that created the nonconforming use. Any nonconforming use that occupied a portion of a structure not originally designed or intended for such use shall not be extended to any other part of the structure or any other structure on the plot.

(B) Extension of nonconforming use of land. The nonconforming use of land shall not be extended or moved to any area on the plot not so used at the effective date of the ordinance that created the nonconforming use.

(C) Repair, alteration, enlargement of structures used for nonconforming uses. No structure utilized for a nonconforming use shall be enlarged, extended or structurally altered, unless the use is changed to one which complies with the provisions of this Code, provided that repairs and maintenance may be carried out in any one year period in an amount not to exceed twenty-five percent of the assessed value of the structure for that year, and further provided that such work does not increase the cubical content of the structure nor the floor area devoted to the nonconforming use, nor increase the number of dwelling units. Improvements specifically required by this Code, for example, bringing the site into compliance with Article 85, "Landscaping," shall be exempt from this Subsection. Nothing herein shall prevent compliance with applicable laws or statutes relative to the safety and sanitation of a structure occupied by a nonconforming use.

(D) Discontinuation of nonconforming use of land. If for any reason a nonconforming use of land ceases or is discontinued for a period of more than six months, the land shall not thereafter be used for a nonconforming use. Maintenance of a local business tax receipt for the nonconforming use shall not in and of itself be considered proof that the use has been in continuous operation.

(E) Discontinuation of nonconforming use of a structure. If for any reason the nonconforming use of a structure ceases or is discontinued for a period of six months or more, the structure shall not thereafter be used for a nonconforming use. Maintenance of a local business tax receipt for the nonconforming use shall not in and of itself be considered proof that the use has been in continuous operation.

(F) Reconstruction. If any structure in which there is a nonconforming use is damaged by fire, flood, explosion, collapse, wind, war, other catastrophe, or demolition to such an extent that the cost of rebuilding, repair and reconstruction will exceed fifty-one percent of the current county tax-assessed value of the structure, it shall not be again reconstructed and used except in full conformity with the regulations of the zoning district in which it is located.

(G) Uses that are nonconforming due to density. Uses that become nonconforming due to adoption of density requirements in this Code may be repaired, replaced, or restored to

the same density despite any event where the structure is damaged, destroyed or redeveloped so as to require substantial improvement.

Section 75-025. Nonconforming structures.

(A) Additions, extensions or alterations of nonconforming structures. Any additions, extensions or alterations to such existing nonconforming structures shall comply with all applicable provisions of this Code.

(B) Reconstruction. In the event any nonconforming structure is damaged or destroyed by fire, flood, explosion, collapse, wind, war, other catastrophe, or demolition, such that the cost of repair or replacement would exceed fifty-one percent of the current county tax-assessed value of the structure, the structure and its associated on-site improvements shall not be reconstructed unless the structure and its associated on-site improvements will be in conformance with all requirements of this Code, except that nonconforming single-family dwelling units on residential plots, inclusive of accessory pools and structures over two hundred fifty square feet permanently located on slabs, may be reconstructed to the same dimensional requirements as the original structure, provided the original foundation is to be utilized.

(C) Discontinuance of use. If the use of a nonconforming structure for a conforming nonresidential use ceases for any reason for a period of six months or more, the structure shall not thereafter be occupied, unless the structure and accessory plot improvements comply with all Code requirements. Maintenance of an occupational license for the nonconforming use shall not in and of itself be considered proof that the use has been in continuous operation.

Section 75-030. Nonconforming plots of record.

(A) A nonconforming plot of record may be used for any use permitted by the zoning district within which the plot is located, provided the plot complies with all development standards except for required plot size and dimensions, and provided that specific uses required to have different plot area or dimensional requirements than generally required for other uses within the same zoning district, shall not be permitted on a nonconforming plot of record that does not comply with said plot size and dimensional requirements, unless the Town grants a variance for the size, setback, or dimensional requirement pursuant to the procedures and standards of Article 150, "Variances."

(B) In order to ensure the reasonable use of property, the revised development standards shall apply to nonconforming lots of record as follows:

(1) Setbacks. Setbacks for new development or redevelopment of a primary structure on a nonconforming plot of record may be reduced as follows:

a. Nonconforming plots of one acre or less: all required setbacks may be reduced by fifty percent.

b. Nonconforming plots of between one and five acres: all required setbacks may be reduced by twenty-five percent.

(2) Plot coverage. The combined area of all buildings and roofed structures on a nonconforming plot of record may be increased as follows:

a. Nonconforming plots of one acre or less: maximum plot coverage may be increased by five percent of plot area.

b. Nonconforming plots of between one and two acres: maximum plot coverage may be increased by two percent of plot area.

(3) Pervious area. The minimum pervious area for new development and redevelopment of a nonconforming plot of record may be reduced as follows:

a. Nonconforming plots of less than one acre: required pervious area may be reduced by an additional five percent of plot area.

Section 75-035. Uses as of October 1, 2006.

Certain uses that were in existence as of October 1, 2006 are not contained in the table of permitted uses for the Agricultural Residential (AR) zoning district, but may allowed to continue to exist, subject to following:

(A) The applicant shall have the burden of proof to demonstrate that the use was in existence as of October 1, 2006; and

(B) The applicant shall apply for a Special Exception; and

(C) The application for the Special Exception shall be filed within eight (8) months of the effective date of these regulations.

Article 80: Conditional Uses

Section 80-005: Purpose and intent.

Certain uses may be harmonious under special conditions and in specific locations within a zoning district, but may not be appropriate under the general conditions of the zoning district regulations as stated. These uses are set forth in this article subject to specific limitations intended to protect the health, safety, and welfare, ensure compatibility with adjacent properties, contribute to the community as a whole, comply with the policies and objectives of the Town of Loxahatchee Groves Comprehensive Plan, and provide flexibility of design.

Section 80-010: Compliance with conditions.

The permitted conditional uses listed in this Article shall not be subject to waiver of any provision of this article by the Town Council.

Section 80-015: Home offices.

Home offices as defined in Article 10, “Definitions, Abbreviations, and Construction of Terms” shall be permitted in all residential zoning districts subject to the following limitations:

(A) Commercial vehicles associated with the home office in all residential districts shall be subject to Section 20-010(G).

(B) No sign or any other evidence of the existence of the home office shall be visible from the exterior of the dwelling unit.

(C) The property must have a homestead exemption.

Section 80-020. Residential enterprise.

Residential enterprises as defined in Article 10, “Definitions, Abbreviations, and Construction of Terms” shall be permitted in all residential zoning districts as a use accessory to a principal residential use and subject to the following limitations:

(A) Resident of property. The plot on which a residential enterprise is located shall be occupied by the owner who shall provide proof of a homestead exemption within one year of establishing the residential enterprise.

(B) Size of property. Residential enterprises shall be permitted on properties of five acres or more in size.

(C) Location of residential enterprise. A residential enterprise shall be conducted only within an accessory building on the property where the main dwelling is located, and not within the dwelling.

(D) Number of accessory buildings. There shall be a maximum of two accessory buildings used for a residential enterprise.

(E) Size of accessory buildings. The total floor area ratio (F.A.R.) of all accessory buildings used for a residential enterprise shall not exceed 0.01.

(F) Appearance of accessory buildings. The accessory buildings used for a residential enterprise shall be in the same style and have the same architectural appearance as the principal residential use.

(G) Employees or contractors. In addition to any person(s) who are the residents of the property, there shall be a maximum of two outside employees or contractors who assist with the residential enterprise.

(H) Clients or customers. No client or customer shall be allowed on the premises to transact business of any nature.

(I) Delivery. Merchandise or goods shall be shipped by way of the U.S. Postal Service, United Parcel Service, Federal Express or similar small package carrier. If other commercial carriers are required, the residential enterprise shall be deemed to require a Special Exception pursuant to Article 170.

(J) Commercial vehicles. Commercial vehicles associated with the residential enterprise shall be subject to Section 20-010(G).

(K) Adult entertainment or the production of adult entertainment materials is prohibited.

Exceptions to the foregoing limitations shall be subject to approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025 (A) for Special Exceptions.

Section 80-025: Outdoor event permits.

(A) Permits for certain outdoor events may be issued subject to the granting of a Special Exception and subject to compliance with this Section.

(B) Minimum site requirements. All outdoor events shall require a minimum of five (5) acres of open space with not less than two-hundred feet of street frontage on a public right-of-way.

(C) Setbacks. No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated with any outdoor event shall be closer than three hundred (300) feet from any surrounding residential plot, nor closer than one-hundred feet from a street line.

(D) Access. Vehicular access onto any plot used for an outdoor event shall be only from a public street as specified in Subsection (B), above.

(E) Parking. Event parking shall comply with the requirements of Article 95, "Parking and Loading" insofar as the amount of spaces required, minimum parking space size, and minimum aisle widths. All parking spaces may be on an unpaved surface. Temporary barriers, guides, signs, and other temporary markings shall be erected and placed around and within the parking area to facilitate safe and efficient vehicular traffic flow on site.

(F) Lighting. Temporary lighting used to illuminate the outdoor event after dusk shall be designed and arranged to reflect away from adjacent properties and away from any street, and shall comply with Section 50-030, "Outdoor Lighting."

(G) Temporary structures, exhibits, and mechanical riding devices. Temporary structures, exhibits, and mechanical riding devices shall be permitted in conjunction with outdoor events subject to permit and inspection requirements of all applicable town, county and state agencies. No temporary structure shall be used for living quarters. All such structures, exhibits, and mechanical riding devices shall be removed from the premises within three (3) days after the conclusion of the event.

(H) Signs. One temporary sign advertising the event may be erected on the plot where the event will be held not more than fourteen days prior to the event. Such signs shall be no larger than twenty-four square feet in sign area and no higher than ten feet above the ground, and shall observe the site distance triangle requirement of Article 105, "Sight Distance." The sign shall be removed by the permit holder within three (3) days of the conclusion of the outdoor event.

(I) Frequency and duration. No outdoor event shall be permitted for a period of time exceeding three (3) consecutive days, except that rodeos shall be limited to a maximum of three consecutive days. A total of three (3) outdoor events can be permitted within a calendar year on any given property. Hours of operation of any event shall be limited to 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight on Friday and Saturday. Any additional time shall require approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025 (A) for Special Exceptions.

(J) Liability insurance. Before any permit for an outdoor event is issued, the applicant must provide a certificate showing proof of a public premises liability and product liability insurance policy that provides coverage in the amount of one million dollars (\$1,000,000.00). The policy must name the Town as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do

business in the State of Florida. The policy must be approved by the Town Attorney prior to issuance of any outdoor event permit.

(K) Performance bond. Before any permit for an outdoor event is issued, a performance bond or similar security acceptable to the Town and naming the Town as beneficiary in the sum of one-thousand dollars (\$1,000.00), shall be executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security must be approved by the Town Attorney, and shall be in effect for the duration of the outdoor event and for six months subsequent to the end of the event. The security shall be released at the conclusion of the six month time period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:

(1) The applicant shall comply fully with all the provisions of the Town of Loxahatchee Groves Code of Ordinances and all applicable county, state or federal laws regarding the sale of goods as permitted;

(2) The applicant will pay all judgments rendered against said applicant for any violation of said laws; and

(3) The applicant will pay all judgments and costs that may be recovered against said applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.

(L) Plans. A plan, drawn to scale, shall be submitted to the Town as part of the Special Exception application indicating the following:

(1) Plot dimensions;

(2) Adjoining streets and points of access to the plot;

(3) Location of all activities and temporary structures and setbacks from plot lines;

(4) Location and use of any permanent structures and uses existing on the plot;

(5) Location and amount of existing off-street parking areas, proposed temporary additional off-street parking areas and aisles, including dimensions, location of traffic markings, and signs.

(6) Location and number of any loud speakers and description of any use of them (i.e. music, announcements);

(7) Location and number of temporary restroom facilities; and

(8) Description of proposed waste management for both trash and portable toilet facilities.

(M) Permit applications. A permit application shall be submitted to the Town Manager, at least thirty days prior to the outdoor event. The permit application shall include the following:

- (1) The name and address of the applicant;
- (2) The address and legal description of the plot where the event will be held;
- (3) The dates and hours of the event;
- (4) The type of event and sponsor, if any;
- (5) The plan required by Subsection (L) above;
- (6) An executed performance bond as required in Sub-section (K) above;
- (7) Proof of insurance as required in Subsection (J) above;
- (8) Notarized authorization of all property owners of record or their authorized agent, for use of the property for the outdoor event;
- (9) Proof that the Palm Beach Sheriff's office or other security officials will be present during the event for safety, security and to direct traffic.
- (10) A notarized affidavit of proof of posting the notice sign required by Subsection (Q) herein;
- (11) The applicable processing and inspection fee, in accordance with the fee schedule in effect;
- (12) Proof of notification of the event to all contiguous properties and the written consent of the contiguous owners;
- (13) Cleanup and site restoration plan.

(N) Agency reviews. Prior to issuance of a permit for an outdoor event, the following entities, as deemed appropriate on a case-by-case basis, shall review and approve the event in accordance with applicable statutes, ordinances and codes:

- (1) Town Manager;
- (2) Town Attorney;
- (3) Health Department (State of Florida) if approval is required;

(4) Department of Agriculture (State of Florida) (if food service is to be provided) if approval is required;

(5) Fire Marshal;

(6) Building Official;

(7) Palm Beach County Sheriff's Office; and

(8) Town's current waste collector.

(O) Permit issuance. Once the Town Manager confirms that the application and plot are in compliance with this Section and any other applicable code, statute or ordinance, the application shall be placed on the next available Town Council agenda for consideration as a Special Exception. Upon approval by the Town Council, the Town Manager shall issue the permit upon payment by the applicant of a cleanup deposit in the amount of one thousand dollars (\$1,000.00) to the Town to guarantee site restoration. The permit must be posted on the plot for the duration of the outdoor event.

(P) Site restoration. The permit holder shall be responsible for restoring the plot to its original condition within seven days after the end of the outdoor event. Failure to restore the site to its original condition shall result in forfeiture of the cleanup deposit to the Town. The cleanup deposit shall be used for restoration of the location.

(Q) Posting of notice. The applicant must post a sign of sufficient size at least thirty days prior to the beginning date of the outdoor event in a visible location on each street frontage to inform the public of the dates and nature of the outdoor event which will be held on the property.

(R) Exceptions for not-for-profit corporations holding events on their own property.

(1) Not-for profit corporations which hold outdoor events on their own property shall be subject to all of the requirements set forth above, except the requirements for obtaining a performance bond [Subsection (K)], a cleanup deposit [Subsection (O)] and posting of notice [Subsection (Q)].

Section 80-030: Holiday wayside stands.

(A) Permits for holiday wayside stands may be issued for the following holidays for the maximum time periods specified:

Holiday	Maximum Time Period
Independence Day (July 4)	Ten days preceding July 4
Halloween (October 31)	Thirty days preceding October 31
Christmas (December 25)	Thirty days preceding December 25

(B) An application for a holiday wayside stand permit shall be filed with the Town Manager at least thirty days prior to commencement of the sales period for Halloween and Christmas and at least sixty days prior to commencement of the sales period for Independence Day. The application shall contain the following:

- (1) The notarized signature of the applicant;
- (2) The names and permanent addresses of all persons responsible for the management or supervision of the holiday wayside stand; the local address of such person or persons while engaged in such business; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise);
- (3) The name and address of the person, firm or corporation for whose account the business will be conducted, if any; and if a corporation, under the laws of that state in which it is incorporated and the name and address of its registered agent in the State of Florida; and the federal employer's identification number (EIN) or social security number of the business owner;
- (4) The exact address and legal description of the property where the holiday wayside stand will be located;
- (5) Proof of a State of Florida sales tax number;
- (6) Written, notarized permission from all owners of record of the property, or authorized agent of the owner, where the holiday wayside stand will be located;
- (7) Proof of a public premises liability insurance policy that provides coverage in the amount of one million dollars (\$1,000,000.00) at each sales location, naming the Town as an additional insured, and is issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The policy must be approved by the Town Attorney;
- (8) A performance bond or similar security acceptable to the Town naming the Town as beneficiary in the sum of one-thousand dollars (\$1,000.00) executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security shall be approved by the Town Attorney, and shall be in effect for the duration of the sales period and for six months subsequent to the end of the sales period. The security shall be released at the conclusion of the six month time period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:
 - a. The applicant shall comply fully with all the provisions of the Town of Loxahatchee Groves Code of Ordinances and all applicable county, state, or federal laws regarding the sale of goods as permitted;

b. The applicant will pay all judgments rendered against said applicant for any violation of said laws; and

c. The applicant will pay all judgments and costs that may be recovered against the applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.

(9) Not-for-profit corporations which have holiday wayside stands on their own property, for other than the sale of pyrotechnical items, shall not be subject to the requirements for obtaining a performance bond and a cleanup deposit.

(C) Number of permits. No permittee shall be issued more than two permits per event. For the purpose of this Subsection, permittee shall be deemed the same if any one principal in the legal entity under which the permittee is operating is identical regardless of the structure of the legal entity. At any given location permitted under this section, there shall be a maximum of one holiday wayside stand. Each individual sales location shall require a separate permit.

(D) Permitted locations: Locations for sales of merchandise permitted under this section are subject to the following restrictions:

(1) The right to sell pyrotechnical items shall be governed by the laws in place as of March 8, 2007, until such time as the moratorium in Chapter 2007-67 is repealed or expires. At such time, pyrotechnical items may only be sold at locations within a commercial zoning district. Such sales shall not be permitted in areas located within fifty feet of any fuel storage facility or any area required to provide parking in connection with a restaurant or lounge.

(2) Pyrotechnical items may be sold only if each sales location has been approved by the Fire Marshal.

(3) Halloween and Christmas items may be sold at locations within a commercial zoning district, as well as from any property owned by a nonprofit organization, provided the nonprofit organization is conducting the holiday wayside stand operations for charitable or fund-raising purposes and the purpose is specifically indicated on the permit application.

(4) There shall be a minimum of one-thousand feet between any two locations permitted under this section. For purposes of determining which permit application of two or more applications proposing sites within one-thousand feet of one another shall be approved, the date and time each completed application is accepted for processing shall determine the priority.

(E) Conditions of permits.

(1) A permittee must, at the time the permit is issued, pay to the Town a cleanup deposit fee of one thousand dollars (\$1,000.00). The deposit will be returned if the permittee restores the permitted location to its original presale condition within one week subsequent to the end of the sales period. Otherwise, the deposit will be retained by the Town and used to restore the location.

(2) The permit issued pursuant to this section shall be posted conspicuously at the sales location.

(3) No permit for the sale of pyrotechnical items may be issued unless such items may be lawfully sold pursuant to Chapter 791, Florida Statutes.

(4) One temporary structure for overnight storage of merchandise shall be permitted at each sales location, subject to compliance with all applicable codes and permit requirements. No temporary structure shall be used for temporary living quarters. Temporary storage structures shall be removed not more than one week after the end of the sales period.

(F) Signs. One four-by-eight foot (4' x 8') sign on each side of the plot abutting a public street shall be permitted in connection with an approved holiday wayside stand during the sales period. Such signs shall comply with all applicable codes, including permitting requirements.

Section 80-035: Yard sales.

On any plot used for residential purposes, three yard sales may be held in a calendar year by the residents of the plot to sell their personal belongings to the public. Each yard sale may be for a maximum of three (3) consecutive days. Signs may not exceed two square feet in size and shall be exempt from permit requirements. The signs shall not be displayed more than one day prior to the yard sale. Signs shall be removed the next day after the end of the yard sale. In the event the signs are not removed in a timely manner, the Town shall remove the signs and a fine of one hundred dollars (\$100.00) per sign shall be charged to resident holding the yard sale.

Section 80-040: Archery and gun ranges.

Target areas for archery and gun ranges shall provide sufficient separation and barriers sufficient to preclude any intrusion of such activities (including noise above nuisance levels) upon adjacent properties. All gun ranges shall be within a building located on a parcel that has a land use designation of Commercial Low Retail and shall also conform to the Best Management Practices for Environmental Stewardship of Florida Shooting Ranges as outlined by the Florida Department of Environmental Protection.

Section 80-045: Exhibition of Class I and Class II Wildlife.

Individuals providing care and permanent habitat for Class I and Class II Wildlife that have been abused, neglected or otherwise need sanctuary may request a license from the Town to allow limited exhibition of said wildlife, subject to the provisions of this section.

(A) For purposes of this section only, exhibition of wildlife shall be defined as a public or private showing of Class I and Class II wildlife for financial or other consideration.

(B) For purposes of this section, Class I and Class II wildlife are defined pursuant to Chapter 68-A6, F.A.C., as amended.

(C) The property on which the animals are kept shall have a minimum plot size of five acres and a minimum plot width and length of three-hundred feet and must conform with all of the minimum requirements established in the Florida Administrative Code.

(D) No wildlife exhibition license may be issued for a location that is within one-thousand feet of another licensed wildlife exhibitor.

(E) Signage is not permitted.

(F) The owner of the animals must hold a USDA, Animal Welfare Act, Class C Exhibitor License and a Florida Fish and Game Conservation Commission Class I or II (as applicable) License, and must live on the property on a permanent basis.

(G) The owner of the animals shall maintain 501(C)(3) non-profit status for the specific purpose of caring and providing habitat for the wild animals.

(H) All wildlife habitat areas shall be surrounded by a minimum of a six foot high barrier/fence to prevent unauthorized access. The wildlife habitat areas shall also be fully screened from all property lines to a height of six feet through the use of landscape materials or opaque fence materials.

(I) Public premises liability coverage in the amount of one million dollars (\$1,000,000) shall be maintained at all times. The policy must name the Town as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The Town Attorney must approve the policy.

(J) The number of wild animals on the property shall be limited to three per acre.

(K) At no time shall the property be unattended and without the presence of someone licensed to handle wild animals, or with at least six months experience working under the jurisdiction of the licensee's Federal and State licenses when the owner of the animal(s) is away from the premises.

(L) All parking shall be accommodated on-site, and shall be screened from view along all property lines adjoining any private or public street, or residential plot. Parking areas shall be set back at least twenty-five feet from any residential plot line. Parking areas need not be paved.

(M) Public admission shall be by appointment only, and shall be limited to forty people on the property at any given time, except that groups from educational institutions arriving by bus shall be limited to one hundred people, and that special events with attendance greater than that provided for herein may be held up to twelve times per year, provided the owner notifies the Town Clerk's Office in writing at least five days prior to the event. The notification shall state the date and hours, nature of the event, and maximum number of people expected.

(N) Noise levels, including noises resulting from public admission, shall not exceed the limits set forth in Section 50-010, "Excessive Noise".

(O) Noise Abatement. Wildlife habitat areas shall be designed, constructed and located using noise abatement measures (e.g., locating wildlife which excessively screech, howl, or make loud noises away from property lines; maintaining a thick, vegetated buffer along property lines) to help ensure that noise levels do not exceed the limits set forth in Section 50-010, "Excessive Noise".

(P) Upon determination that an application for an exhibition of Class I and Class II wildlife license satisfies the criteria of this section, the Town shall notice property owners within one-thousand feet of the subject property, by certified mail, that an application for a wild animal habitat license will be administratively approved and issued ten days from the mailing date indicated on the notice, unless a written objection is received by the Town Clerk within the ten day period.

(Q) Upon satisfying all of the conditions for licensure, a license under this section shall be issued administratively unless the Town receives written objection from a noticed property owner within the ten day response period. In the case of a timely objection, the application for licensure shall be scheduled for the next available Town Council agenda as an advertised public hearing. After hearing the testimony of affected property owners, the Town Council may approve, approve with conditions, or deny the application for licensure based upon consideration of the following criteria:

(1) That the use is compatible with the existing natural environment and other properties in the vicinity;

(2) That there will be adequate provision for safe traffic movement, both vehicular and pedestrian, in the area which will serve the use;

(3) That there are adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances; and,

(4) That the land area is sufficient, appropriate and adequate for the use as proposed. Conditions placed upon the license by Town Council may supplement the requirements of this section contained in provisions (A) through (O).

(R) Licenses are valid only to the person named on the license and shall not be transferable.

(S) Upon a second violation of any one or more provisions of this Section within a twenty-four month period, as determined pursuant to the Town's code enforcement procedures, the Town shall notify the licensee, by certified mail, of its intent to revoke the license. The licensee or designee may initiate an appeal of the revocation by filing written notice of intent to appeal with the Town Clerk's Office no later than fifteen days from receipt of the Town's notice of intent to revoke the license. The license will be administratively revoked should the licensee not file an appeal within the allotted time. The Town Clerk shall schedule the appeal for the next available Town Council meeting. In determining the existence of extenuating factors contributing to the code violation(s), Council may uphold the revocation or continue the license with any conditions Council may deem appropriate to protect the public health, safety and welfare.

(T) Nothing within this section shall be construed to prevent the Town Council from revoking the license at any time, provided that after conducting an advertised public hearing on the matter, a supermajority of council members make a determination that the licensed activity no longer satisfies the criteria for licensure.

(U) All exhibition of Class I and Class II wildlife shall occur on a parcel that has a land use designation of Commercial Low.

Section 80-050: Aviculture.

Permits for aviculture, as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" may be issued in the Agricultural Residential (AR) zoning district subject to the following:

(A) Minimum plot size requirements.

(1) Two acres for 40 to 200 birds.

(2) Five acres for 201 or more birds.

(B) Breeder

(1) The minimum plot size shall be two acres; and

(2) Shelters, cages and accessory structures shall be set back a minimum of 50 feet from all property lines; and

(3) Outdoor shelters and cages shall be contained to specific areas of the plot and completely screened from view from adjacent properties with a visual barrier. Such barriers may include natural vegetation, landscaping, fencing or other opaque structures; and

(4) The breeder shall locate birds that excessively screech, chirp, crow or make loud noises away from residential properties to the maximum extent possible; and

(5) The care, licensing, registration and inspections shall be as required by applicable regulations; and

(6) Any avicultural endeavor shall comply with Article 50: Public Nuisances, of this code.

Section 80-055: Commercial chipping and mulching.

Permits for commercial chipping and mulching operations as defined in Article 10, “Definitions, Abbreviations, and Construction of Terms” shall be subject to the granting of a Special Exception and subject to the following limitations:

(A) Minimum plot size requirements. No chipping and mulching shall be permitted on properties of less than ten acres.

(B) Minimum dimensional requirements. No chipping and mulching shall be permitted on properties with a width or length of less than five-hundred linear feet.

(C) Setbacks. All chipping and mulching equipment shall be setback at least three-hundred feet from any residential property line and two-hundred feet from all other property lines.

(D) Noise Abatement. Chipping and mulching equipment shall be designed and located using noise abatement measures (e.g., locating equipment as far away from residences as possible, maintaining a thick, vegetated buffer along property lines) to help ensure that noise levels do not exceed the limits set forth in Section 50-010, “Excessive Noise”.

(E) Hours of operation. The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday and Saturday from 9:00 a.m. to 1:00 p.m.

(F) Outdoor storage. The pile height of unprocessed and processed material shall be limited to fifteen feet. Storage areas (including compost) shall be setback at least one-hundred feet from any property line and screened from view.

(G) Access. Access to the chipping and mulching operations shall be only from a public right-of-way. In no case, shall a chipping and mulching operation utilize a private road serving residential uses for access.

(H) Dust Control. The chipping and mulching operation shall utilize dust control measures which may include full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

(I) Fire Prevention. Chipping and mulching facilities shall be located within ten miles of a full service fire station or have and maintain on-site fire fighting equipment acceptable to the Palm Beach County Fire Marshall.

(J) Exceptions. These regulations shall not apply to the occasional chipping and mulching of wood materials generated on site and associated with property maintenance or any bona fide agricultural use conforming to generally accepted agricultural and best management practices.

Article 85: Landscaping

Section 85-005: Application of these regulations.

The regulations of this Article shall be applied in conjunction with Ordinance 2010-008, generally referred to as the “ERM Ordinance”.

Section 85-010: Purpose and intent.

The purpose and intent of this Article is as follows:

- (A) Appearance. To improve the aesthetic appearance of development through landscaping that adds color, texture, shape, visual context, or otherwise enhances the natural and built environment.
- (B) Environment. To improve the natural environment by reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation; promoting energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas; reducing the temperature of the microclimate through the process of evapotranspiration; and encouraging wildlife habitat.
- (C) Water conservation. To promote water conservation by maintaining permeable land area essential to surface water management and aquifer recharge, encouraging the limited use of fresh water resources through the use of native and drought tolerant plants, and encouraging the use of water conserving irrigation practices and landscape installation standards.
- (D) Preservation and character. To encourage the preservation and planting of native trees and vegetation as part of landscape design to preserve native habitat and appearance, and to reinforce the character of the Town of Loxahatchee Groves.
- (E) Compatibility. To improve the compatibility of otherwise incompatible land uses in relative proximity through the use of landscape buffers.
- (F) Land values. To maintain and increase the value of land by requiring minimum landscaping which, when properly installed and maintained, becomes a capital asset.
- (G) Human values. To provide physical and psychological benefits to persons and to reduce noise and glare by softening the harsher visual aspects of urban development.
- (H) Removal of prohibited plant species. To require the initial eradication of and control the ongoing removal of prohibited plant species which have become nuisances because of their tendency to disrupt or destroy native ecosystems.

Section 85-015: Definitions.

In addition to the definitions set forth under Article 10, “Definitions, Abbreviations, and Construction of Terms,” the following definitions shall apply to this Article:

- (A) Accessway. A private vehicular roadway intersecting a public right-of-way.
- (B) Applicant. The owner or the authorized agent of the subject property.
- (C) Berm. A linear earthen mound.
- (D) Canopy. The upper portion of a tree consisting of limbs, branches and leaves.
- (E) Clear trunk. The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.
- (F) Clear wood. The portion of the palm trunk which is mature hardwood measured from the top of the root ball to the base of green terminal growth or fronds.
- (G) Diameter Breast Height (DBH). The diameter of the tree trunk(s) measured at four and one-half feet above grade.
- (H) Disturbed land/ground. Any land where the original natural vegetation has been removed, displaced, overtaken or raked.
- (I) Functional landscaping. The combination of living and nonliving materials that, when installed or planted, creates an ongoing system providing aesthetic and environmental enhancement to a particular site and surrounding area.
- (J) Groundcover. A low-growing plant that, by the nature of its growth characteristics, completely covers the ground and does not usually exceed two feet in height.
- (K) Hedge. A row of evenly spaced shrubs planted to form a continuous, unbroken visual screen.
- (L) Interior Open Space. The portion of the site not including areas defined as vehicular use areas, areas preserved as ecological communities, areas required to be landscaped adjacent to public rights-of-way and abutting property, areas occupied by existing structures to remain, and areas to be occupied by proposed structures.
- (M) Irrigation. The method of supplying plant materials with water other than by natural rainfall.
- (N) Landscape/Landscaping.

(1) When used as a noun, this term shall mean living plant materials such as grasses, groundcover, shrubs, vines, trees or palms and nonliving durable materials commonly used in environmental design such as, but not limited to, rocks, pebbles, sand, walls or fences, aesthetic grading or mounding, but excluding paving and structures.

(2) When used as a verb, this term shall mean the process of installing or planting materials commonly used in landscaping or environmental design.

(O) Mulch. Organic material such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

(P) Native plant species. Plant species scientifically documented to be indigenous to the ecological communities of South Florida.

(Q) Planting soil. A medium composed of up to fifty percent muck or horticulturally acceptable organic material, including solid waste compost.

(R) Shrub. A woody plant usually with several stems produced from the base.

(S) Site-specific plant materials. The use of plant species selected to minimize supplemental irrigation, fertilization and pest control.

(T) Tree. A self-supporting, woody perennial plant, usually with one vertical stem or main trunk, which naturally develops a distinct, elevated crown and provides, at maturity, natural characteristics of the species.

(U) Turf. The upper layer of soil matted with roots of grass and covered by viable grass blades.

(V) Vegetation. Angiosperms, gymnosperms, ferns and mosses.

(W) Vehicular encroachment. Any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape area.

(X) Vehicular use area. Areas used for the display or parking of any type of vehicle, boat or construction equipment, whether self-propelled or not, and all land upon which such vehicles traverse.

(Y) Vine. Any plant with a long, slender stem that trails or creeps on the ground or climbs by winding itself on a support.

(Z) Xeriscape. A landscaping method that maximizes the conservation of water by use of site-appropriate plants and an efficient watering system.

Section 85-020: Plant material.

(A) Trees. Trees shall be of a species having an average mature crown of greater than twenty feet and having trunk(s) that can be maintained with over six feet of clear wood. Trees or palms having an average mature crown of less than twenty feet may be substituted by grouping two or more trees together to create the equivalent of a twenty foot crown spread. Such a grouping, however, shall count as one tree towards meeting tree requirements for any provision herein, and shall have a minimum of six feet of clear wood. In addition, the following is required.

(1) Size. Trees shall be a minimum overall height of twelve feet with a minimum trunk diameter of two and one-half inches at the time of planting. Minimum canopy spread shall be characteristic of the species at such height requirements.

(2) Tree variety. On projects requiring more than ten trees, a minimum of two species shall be used.

(3) Public streets. Trees used in the required landscaping adjacent to a public street are subject to approval by the Town so that the character of the public street can be maintained.

(4) Prohibited tree species. The following tree species shall not be planted as either required or optional landscaping and, in addition, these species shall be removed from all construction sites:

Common Name	Scientific Name
Melaleuca, punk tree or paper tree	Melaleuca quinquenervia
Brazilian pepper	Schinus teribinthifolius
Australian pine	Casuarina spp.
Earleaf acacia	Acacia auriculiformis
Carrotwood	Cupaniopsis anacardioides
Schefflera	Schefflera actinophylla

(5) Existing vegetation. Credit for existing trees preserved on a site shall be granted toward meeting the tree requirements of any landscaping provisions of this Article. No credit, however, shall be granted for any type of fruit tree or any preserved trees that are in extremely poor condition or declining health.

(B) Shrubs and hedges. Shrubs shall be of a species having an average mature height of three feet or greater (unless otherwise specified) and shall be maintained at no less than two and one-half feet in height at all times.

(1) Size. Shrubs and hedges shall be a minimum of two and one-half feet in height at the time of planting.

(2) Spacing. All shrubs shall be planted two to three feet on center.

(3) Required buffers and landscape strips. Required buffer hedges and landscape strips shall be planted and maintained so as to form a continuous, unbroken and solid visual screen. The hedge material shall be capable of reaching and being maintained its required height within one year of planting.

(4) Existing vegetation. Credit for the preservation of native understory shall be granted toward meeting up to fifty percent of the shrub requirement at a rate of twenty-five feet of preserved understory per one shrub. This credit shall apply to landscaping requirements for individual single-family residences only.

(C) Vines. Vines planted in conjunction with fences, visual screens, and walls to meet landscape buffer requirements shall be supported in height for a minimum of two and one-half feet and planted at no less than ten foot intervals.

(D) Groundcover. Groundcovers shall be planted with a minimum of fifty percent coverage with one-hundred percent coverage occurring within six months of installation.

(E) Turf. All turf areas shall be sodded using species suitable as permanent lawns in Palm Beach County, including St. Augustine, Bahia, and their cultivars. Sod shall be clean and visibly free of weeds, noxious pests and diseases. Large turf areas not subject to erosion, such as playfields, and areas to be used for livestock and equestrian areas, may be grassed with methods other than sod using permanent species suitable for Palm Beach County.

(F) Topsoil. Topsoil shall be clear and reasonably free of construction debris, weeds and rocks. The topsoil for all planting areas shall be composed of a horticulturally acceptable organic material.

Section 85-025: Landscape design.

(A) Quality. Plant materials used in accordance with this Article shall conform to the standards for Florida Grade One, or better, as provided for in the most current edition of Grades and Standards for Nursery Plants, 2nd edition, Feb. 1998, State of Florida Department of Agriculture and Consumer Services, as amended.

(B) Native vegetation. Fifty percent of all vegetation required by this Article to be planted, excluding all turfgrass, shall be indigenous to South Florida.

(C) Preserved/created ecological communities. Plots of two acres or more shall preserve, or create if there is no longer an existing ecological community, a minimum of three percent of the plot to be planted and maintained as an ecological community, pursuant to the conservation goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, as may be amended from time to time. Plots that consist of two to five acres may incorporate an ecological community into the landscape buffer or interior landscaping requirements. For plots of five acres or greater, this shall constitute an additional requirement.

(D) Xeriscape. All landscape designs in the Town must incorporate the principles of xeriscaping. These include the following, which must be noted on the landscape plans if applicable:

(1) Soil improvements. Improve the soil with organic materials prior to the installation of any irrigation system.

(2) Efficient irrigation. Plan irrigation system according to water needs and group planting according to water requirements. Irrigation design shall also include efficiency technologies (i.e. rain shut-off valve, moisture sensor, electric or hydraulic solenoid valves).

(3) Drought tolerant plants.

(4) Mulches. Place mulch directly on the soil or on a breathable or biodegradable material. Use around trees, shrubs, and in the planting beds.

(5) Appropriate maintenance. Use proper mowing, pruning, and weeding techniques and limit the use of fertilizer and pest control to further water savings.

Section 85-030: Installation of landscaping and irrigation.

All landscaping and irrigation shall be installed according to accepted planting procedures and as described below.

(A) Excluding palm trees, all trees and shrubs shall be planted with a minimum of six inches of topsoil around and beneath the root ball. The appropriateness of applying mulch shall be determined by a certified landscape inspector or arborist. If mulching is determined to be appropriate, the use of mulch obtained from *Melaleuca*, *Eucalyptus*, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.

(B) The need for guying and staking shall be determined by a certified landscape inspector or arborist. If guying and staking is employed, the use of nails, wire or rope, or any other method which damages the trees or palm, is prohibited. All plants shall be installed so that the top of the root ball remains even with the soil grade.

(C) All landscape irrigation systems shall be designed to minimize application of water to impervious areas, be installed with an automatic controlling device such as a timer, and be installed with a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred, pursuant to Sec. 373.62, Florida Statutes, as amended from time to time.

(D) Inspections of site for landscape installation. Prior to the installation of landscaping and irrigation, a pre-inspection shall be required to determine site conditions and appropriate use and selection of landscape material. A final landscape inspection shall be required upon completion.

Section 85-035: Maintenance of landscaped areas.

(A) An owner of land subject to this Article shall be responsible for the maintenance of said land and landscaping so as to present a healthy, vigorous appearance. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the plant material in a healthy condition.

(B) Three inches of clean, weed-free, organic mulch shall be maintained at all times over all areas originally mulched. Turfgrass shall be mowed regularly.

(C) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system.

(D) Preserved/created ecological communities shall be maintained in a natural state without the use of mechanical equipment.

(E) Property owners are responsible for ensuring that landscaping required pursuant to this Article, or installed in compliance with the landscape requirements previously in effect, is maintained in Florida Grade One condition. If landscaping is found to be in a state of decline, dead or missing, it must be replaced with equivalent landscape material. If total replacement is required, species conforming to this Article shall be used. If any preserved vegetation dies, which vegetation is needed to satisfy current landscape code requirements, such vegetation shall be replaced with the same landscape material selected from nursery-grown native stock only.

(F) No individual shall deny the right, or impede the ability of a utility company to enter private property for the purpose of entering a utility easement to remove or prune a plant or tree that is interfering with or impeding the utility company's ability to deliver safe and reliable utility services, nor shall an individual refuse to permit a utility company to remove or prune, when on private property, a plant or tree that is interfering with or impeding the utility company's ability to deliver safe and reliable utility services.

(G) Property owners are required to install and maintain landscaping in such a manner that it does not interfere with, disrupt, impede, prevent, or alter the flow of a utility.

Section 85-040: Landscape plans.

(A) Professional landscape plans shall not be required for individual single-family residential plots. Single-family residential plots, however, shall comply with all requirements of Section 85-040, "Landscape requirements for individual single-family residences".

(B) Landscape plans shall be submitted with all site plan and site plan modification applications, and any building permit application that requires additional landscaping, or which may affect or conflict with on-site landscaping, including but not limited to, permits for parking lot lighting, addition or relocation of impervious area, and drainage improvements. The Town Manager may waive this requirement upon determination that a landscape plan is not necessary based upon the nature of the application and the site characteristics of the property involved.

(C) Landscape plans shall be prepared by a landscape architect, or other person authorized pursuant to Chapter 481, Part II, Florida Statutes, as amended.

(D) Landscape plans shall be no larger than twenty-four by thirty-six inches (24" x 36") and include the following information.

(1) A minimum scale of one inch equals fifty feet.

(2) Tree survey indicating the type (common and scientific name), quality, and location of existing vegetation.

(3) Trees to be removed or relocated with proposed relocations shown on plan.

- (4) Location of existing and proposed structures, site improvements and uses, water bodies, dimensioned and referenced to property lines.
- (5) Existing and proposed site elevations, grades and major contours, including water retention areas.
- (6) Location of existing or proposed utilities and easements, including drainage easements, drainage features, drainfields and septic tanks, underground utilities and overhead power lines.
- (7) Location of all landscape material to be used, including height, caliper and canopy spread of species at time of planting.
- (8) Proposed landscape material schedule listing all vegetation according to its scientific and common name, their quantity and size, and degree of drought tolerance (as determined by the South Florida Water Management District Xeriscape Plant Guide II, as amended) and indication of whether native to South Florida.
- (9) Spacing of plant material where a given spacing is required by code, including but not limited to, center to center distance between individual shrubs, and center to center distance between trees within landscape buffers.
- (10) Description of landscape installation practices to be utilized.

(E) If an irrigation system is to be installed, an irrigation plan shall be submitted along with a landscape plan which meets the following requirements.

- (1) Landscape Plan Requirements (1) through (6), above.
- (2) Main or well location, size and specifications.
- (3) Valve location, size and specifications.
- (4) Pump location, size and specifications or water source.
- (5) Backflow prevention device type and specifications.
- (6) Controller locations and specifications.
- (7) Zone layout plan (minimum scale 1" = 20') indicating head type, specifications and spacing; methods used to achieve compliance with xeriscape principles as required by Sec. 125.568, Florida Statutes, as amended.

Section 85-045: Landscape requirements for individual single-family residences.

All new single-family dwellings for which a building permit is issued after the effective date of these regulations shall conform to the following minimum landscaping requirements:

(A) Tree requirements. A minimum of three trees (meeting Section X-15, “Plant material” requirements) of two different species shall be planted per lot, plus one tree per every three-thousand square feet of lot area that is not part of a bona fide agricultural use. However, there shall be no more than twelve trees required per acre of lot area.

(B) Shrub requirements. A minimum of ten shrubs (meeting Section X-15, “Plant material” requirements) shall be planted per lot, plus three shrubs per every three-thousand square feet of lot area that is not part of a bona fide agricultural use. However, there shall be no more than thirty-six shrubs required per acre of lot area.

(C) Turf requirements. Turf shall be used in the front yard but is not required to extend past the first one acre of property, as applicable and as measured from each abutting street line. The remainder of the property must be maintained, either in its natural state, in pasture land or as a bona fide agricultural use. This area, however, may not contain any invasive species as identified in this Article, which must be removed from the site.

(D) Landscape design. A minimum of two trees and three shrubs shall be required in the front of the plot unless it is not possible as determined by the Town Manager. Shrubs shall also be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence.

(E) Required landscape schedule and location map. Individual single-family residences, not including common area landscaping, shall submit a landscape schedule and accompanying location map in the form of a landscape permit application, which includes acceptable plant material choices to be chosen by the applicant, stating quantity, size, and quality of plant material, including planting specifications, as required by this Article. Requested credit for any existing vegetation shall be calculated by the applicant (as provided for in Section 85-015, “Plant material”) and a location map of preserved vegetation shall be sketched on a copy of a survey or site plan. Professional landscape drawings are not required for individual single-family residences.

Section 85-050: Landscape requirements for interior open space.

All interior open space on any site, except individual single-family plots, shall conform to the following requirements:

(A) General Landscape Treatment.

(1) Groundcover, shrubs and other landscape materials shall be installed to cover all interior open space areas not covered by paving or structures. No substance that prevents water percolation shall be used in areas not approved for paving or structures.

(2) Primary structures shall be treated with landscaping to enhance the appearance of the structure and to screen any unattractive or unsightly appearance, with a minimum of twenty percent of the front of the structure being planted with shrubs at a minimum of two and one-half feet in height.

(B) Shrub and Tree Requirements. Shrubs and trees shall be planted in interior open spaces to meet the following requirements:

Percent of Site in Interior Open Space	Tree and Shrub Requirements
Less than 30 percent	1 tree and 10 shrubs per 2,000 square feet
30 to 39 percent	1 tree and 8 shrubs per 2,500 square feet
40 to 49 percent	1 tree and 6 shrubs per 3,000 square feet
50 percent or more	1 tree and 6 shrubs per 3,500 square feet

(C) Vehicular use areas. For sites that contain a vehicular use area, an area or a combination of areas, equal to ten percent of the total vehicular use area and exclusive of landscape strip or perimeter landscape buffers, shall be devoted to interior landscaping. This requirement should be met primarily through the creation of landscaped peninsulas and islands within the vehicular use area.

(D) Screening of equipment. Dumpsters, mechanical equipment and electrical transformers shall be screened on at least three sides by landscape material that is a minimum of two and one-half feet in height. Such screening shall not interfere with normal operation of equipment.

(E) Signs. All freestanding sign installations require the installation and establishment of plant material to enhance the structure, at a minimum of one shrub on each side of the sign for every two lineal feet of sign structure width; and ground cover, a minimum of five feet around the perimeter of the sign base, designed in such a manner so as to not block the message on the sign.

(F) Existing Vegetation. Requested credit for any existing vegetation (as provided in Section 85-020, "Plant material") shall be calculated and submitted along with landscape plans.

Section 85-055: Landscape requirements for nonresidential/ nonagricultural perimeters and screening and buffering of vehicular use areas.

(A) Applicability. All vehicular use areas serving nonresidential and nonagricultural uses, and the perimeters of all nonresidential and nonagricultural uses and plots shall conform to the minimum landscaping requirements hereinafter provided.

(B) Perimeters. Any nonresidential/nonagricultural use that is contiguous to, or separated only by a canal right-of-way from, a residential zoning district or parks and recreation zoning district, shall provide a landscape buffer along the entirety of the common plot line which meets the following:

(1) The landscape buffer shall be no less than six feet in height for the purposes of screening and buffering the nonresidential/nonagricultural use from the residential use or parks and recreation use.

(2) The landscape buffer shall be a hedge, berm, fence, or wall (if property is accessed from a paved public right-of-way) or other opaque, durable landscape barrier, and shall be placed along the inside perimeter of the common property line. If such durable barrier is of nonliving material, the barrier shall be set back from the property line to allow for the planting and maintenance of shrubs or vines along the outside edge of such barrier. One shrub or vine shall be planted along the outside edge of all nonliving, durable barriers for each ten feet of said barrier.

(3) The Town Council may require a buffer eight feet in height if the additional height would more effectively screen the nonresidential/nonagricultural buildings and associated improvements from adjacent residential or parks and recreation uses. In making this determination, the Town Council shall consider the height and setbacks of buildings and resulting site lines of adjacent uses, potential noise impact from the proposed use, the type and effectiveness of the buffer proposed, and other such relevant factors the Council deems appropriate for determining the appropriate height of the buffer.

(4) Where a required perimeter buffer would abut an existing fence or wall on adjoining property, it shall be desirable to avoid the creation of parallel fences, walls and/or a non-accessible, ineffective strip of land running between parallel fences and walls. In this event, a proposed perimeter buffer shall not contain a nonliving barrier.

(5) It is strongly encouraged that perimeter buffers be designed with soft edges (rather than hard or strictly linear) requiring less maintenance and using gradual transitions in plant texture, height, and width to reinforce the rural character of the Town.

(C) Vehicular use areas. On the site of a building or lot providing a vehicular use area where such area will not be entirely screened visually by an intervening building or structure from any abutting property line or street, a landscaped strip of land at least fifteen feet in depth, measured inward from the abutting property or street line toward the vehicular use area, shall be provided. This landscape strip shall not be counted toward meeting the landscape requirement for interior open space.

(1) The landscape strip shall contain one tree for each thirty feet of interface between the vehicular use area and the property line or street frontage. This requirement, however, may be waived in whole or in part if:

- a. an adjoining plot has already planted trees along the property line, and
- b. based upon a determination by the Town that the existing trees will impede the ability of successfully establishing new trees along the same plot line.

(2) A hedge, berm, fence, wall or other opaque, durable landscape barrier, as determined by the Town, shall be placed along the inside perimeter of the required landscape strip. If such durable barrier is of nonliving material, for each ten feet thereof, one shrub or vine shall be planted along the outside edge of such barrier.

(3) The remainder of the required landscape area shall be landscaped with turfgrass, groundcover or other landscape treatment, excluding paving or other impervious material.

(4) Where a required landscape strip would abut an existing fence or wall on adjoining property, it shall be desirable to avoid the creation of parallel fences, walls and/or a non-accessible, ineffective strip of land running between parallel fences and walls. In this event, a proposed landscape strip shall not contain a nonliving barrier.

(D) Necessary accessways from a street or adjoining property through all such landscaping buffers and barriers shall be permitted, and such accessways may be subtracted from the lineal dimension used to determine the number of trees required. Otherwise, the required landscape buffers and materials required therein shall be continuous and unperforated.

Section 85-060: Landscaping requirements for bona fide agricultural uses.

Plots, or portions thereof, with a bona fide agricultural use are exempt from the requirements of this Article, to the extent that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice, and provided that any portion of the plot containing a house, for which a building permit was issued after the effective date of these regulations, and not used primarily for farming purposes, shall comply with the requirements of this Article.

Section 85-065: Sight distance for landscaping adjacent to street intersections and points of access.

Placement of landscaping materials shall observe the sight distance requirements of Article 105, "Sight Distance."

Section 85-070: Landscaping within public and private right-of-way.

The owner of every developed plot shall be responsible for sodding the area in between the plot line and the adjacent street(s) to the edge of pavement. Installation of trees and shrubs within any public right-of-way, private street and swale requires Town approval.

Section 85-075: Nonconforming landscaping.

(A) Residential properties. All nonconforming, residential plots shall comply with this Article prior to the issuance of a Certificate of Occupancy for any new construction exceeding the lowest of either fifty-one percent of the square footage of the existing dwelling, or three thousand square feet.

(B) Non-residential properties. All nonconforming, nonresidential properties shall comply with this Article to the maximum extent possible prior to the issuance of a Certificate of Occupancy for any improvement requiring a site plan modification or new site plan. Maximum extent possible shall not be construed to require a variance or a creation or exacerbation of a nonconformity.

Article 90: Signs

Section 90-005: Purpose and intent.

The purpose of this Section is to establish standards for the placement and use of signs and other advertising consistent with State of Florida and Federal law. These standards are designed to protect the health and safety of the Town of Loxahatchee Groves and to assist in the promotion of local businesses and industries. Specifically, this Section is intended to:

- (A) Identification. Promote and aid in the identification, location, and advertisement of goods and services, and the use of signs for free speech;
- (B) Aesthetics. Preserve the unique character of the Town and protect the Town from visual blight;
- (C) Compatibility. Make signs compatible with the overall objectives of the Plan and protect property values by ensuring compatibility with surrounding land uses;
- (D) Safety. Promote general safety and protect the general public from damage or injury caused by, or partially attributed to, the distractions, hazards, and obstructions that result from improperly designed or located signs.

Section 90-010: Definitions.

In addition to terms defined in Article 10, “Definitions, Abbreviations, and Construction of Terms,” the following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Abandoned sign. Any sign, except a billboard sign, which no longer pertains to any person, organization, product, service, activity or business located on or available at the premises where such sign is displayed; any sign, except a billboard sign, which no longer contains a message; and/or any sign in a state of disrepair.

Aggregate frontage.

- a. Interior plots: The actual lineal street frontage;
- b. Through plots: The total actual lineal street frontage on both streets;
- c. Corner plots: The sum of the straight line lineal distances along both streets extended beyond corner chords, radius and turn lanes to the point of intersection;
- d. Interrupted corner plots: The sum of the actual street frontages exclusive of outparcels.

Animated sign. A sign designed to utilize motion of any part by any means, including wind power, or designed to display changing colors, flashing, oscillating or intermittent lighting, electronic messages or moving images, or which emits visible smoke, vapor,

particles, noise or sounds. The definition of animated sign shall not include changeable copy signs, as defined herein.

Area of sign. The total area of each sign face which may be used to display copy, including background, but not including the frame and structural supporting elements. Where a sign is composed of individual letters, characters or symbols applied directly to a building, canopy, marquee, mansard, fascia, facade, parapet, awning, wall or fence, the area of the sign shall be the smallest rectangle, triangle or circle which will enclose all of the letters, characters or symbols. The area of a double-faced sign shall be the total area of each sign face.

Awning or umbrella. A shelter made of fabric, plastic, vinyl or other non-rigid material supported by a metal frame.

Awning sign. A type of sign that is painted, stitched, stamped, perforated or otherwise affixed to an awning or umbrella.

Balloon sign. A type of sign that is temporary, three-dimensional, and usually made of non-rigid material, inflated by air or other means to a point of semi-rigidity and used for advertising purposes, with or without copy.

Banner or pennant sign. A type of sign, with or without a frame and with or without characters, letters, symbols or illustrations, made of cloth, fabric, paper, vinyl, plastic or other non-rigid material for the purpose of gaining the attention of persons.

Bench sign. Any sign painted on or affixed to a bench or to a shelter for persons awaiting public transportation.

Billboard sign. A type of sign which directs attention to a business, commodity, service, product, activity or ideology not conducted, sold, offered, available or propounded on the premises where such sign is located and the copy of which is intended to be changed periodically.

Building frontage. The wall extending the length of the building or lease lines of any building, the legal use of which is one of commercial or industrial enterprise and including the location of public entrance(s) to the establishment.

Building identification sign. A mandatory sign providing the address of the structure, dwelling unit, or business to which it is attached. All building identification signs must be attached to the structure and easily identifiable. Building identification signs for non-residential structures may be in the form of an awning sign.

Building wall sign. A type of sign where its entire area is displayed upon or attached to any part of the exterior of a building wall, facade or parapet, approximately parallel to and not more than twelve inches from the face of the wall upon which it is displayed or attached.

Cabinet sign. Any sign, other than a banner or pennant sign, which is designed so that the sign face is enclosed, bordered or contained within a boxlike structure or cabinet, frame or other similar device. This definition shall not include individual channel letters.

Campaign sign. See “opinion sign”.

Canopy. A permanent, unenclosed shelter attached to and extending from a building or a free-standing permanent shelter.

Canopy sign. A type of sign that is painted on or otherwise affixed to the fascia of a canopy, marquee or mansard roof.

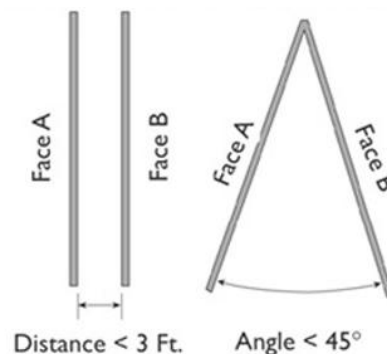
Changeable copy sign. A sign designed in a manner that allows the copy to be changed either manually, electronically or by any other method through the use of attachable letters, numbers, symbols or changeable pictorial panels, and other similar characters, or through internal rotating or moveable parts which can change the visual message without altering the sign face.

Copy. The linguistic or graphic content of a sign, either in permanent or removable form.

Directional sign. A sign, with or without a directional arrow, designed to direct the public to a facility or service or to direct and control traffic, such as entrance and exit signs, and which does not contain any other commercial advertising.

Directory sign. A sign, which may consist of an index, designed to provide the names of tenants in an office building, shopping center or other multi-tenant complex.

Double-faced sign. A sign with two sign faces which are parallel and less than three feet of each other or are not parallel but are connected and within forty-five degrees of each other. See diagram.



Façade. That portion of any exterior building elevation extending from grade to the top of the parapet wall or eaves along the entire width of the business establishment building frontage.

Fascia. The flat, outside horizontal member of a cornice, roof, soffit, canopy or marquee.

Fence or wall sign. A type of sign attached to and erected parallel to the face of or painted on a fence or free-standing wall and supported solely by such fence or free-standing wall.

Flag. A piece of fabric, often attached to a staff, containing distinctive colors, patterns or symbols, identifying a government or political subdivision.

Frontage. The total distance along any street line.

Garage sale sign. A sign designed to advertise the sale of personal property by the person or family conducting the sale in, at or upon residentially zoned or residentially used property. Garage sale signs shall include lawn sales, yard sales or any similar designation.

General information sign. A sign designed to provide information on the location of facilities or a warning to the public regarding the premises where the sign is located, such as entrance or exit signs, caution, no trespassing, no parking, tow-away zone, parking in rear, disabled parking, restrooms, etc., and containing no commercial advertising.

Grand opening sign. A temporary sign designed to announce the opening of a newly licensed business not previously conducted at the location by the same person(s).

Hanging wood frame sign. A type of sign hung or suspended from a free-standing wood frame, such frame being not higher than five feet, nor wider than four feet.

Holiday or seasonal signage. The temporary lighting, garlands, wreaths or other decorations relating to a particular regional or nationally recognized holiday and containing no advertising.

Identification sign. A sign designed to provide the name, owner, address, use, and/or service of a particular activity located on the premises where such sign is displayed.

Illuminated sign. Any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not said lights or tubes are physically attached to the sign.

Interior sign. Any type of sign located inside a building which is not clearly visible from and not intended to be seen from the exterior of the building.

Internal illumination. A light source concealed or contained within the sign which becomes visible by shining through a translucent surface.

Menu sign. A sign designed to indicate the food items, products, services or activities provided on the premises. Such signs are commonly, but not necessarily, associated with fast-food restaurants at the entrance to drive-through facilities.

Mobile sign. Any type of sign not permanently attached to a wall or the ground or any other approved supporting structure, or a sign designed to be transported, such as signs transported by wheels, mobile billboards, sandwich signs, sidewalk signs, curb signs, and unanchored signs.

Monument sign. A type of freestanding sign supported by an internal structural framework or integrated into a solid structural feature other than support poles. In order to qualify as a monument sign, the supporting structure shall not be less in width than fifty percent of the sign face, inclusive of any box, cabinet, or frame.

Mural. A graphic, artistic representation painted on a wall, not including graffiti, which contains no advertisement or relationship to any product, service or activity provided, offered or available on the premises.

Neon sign. A type of sign formed by luminous or gaseous tubes in any configuration.

Nonconforming sign. A sign or advertising structure which was lawfully erected and maintained prior to the current provisions of this code regulating signs, which by its height, type, design, square foot area, location, use or structural support does not conform to the requirements of this Article.

Off-premises sign. A sign, other than a billboard, designed to direct attention to a business, commodity, service, product or activity not conducted, sold, offered or available on the premises where such sign is located.

Opinion sign. A sign designed to containing language, wording or an expression not related to the economic interests of the speaker and its audience, such speech generally considered to be ideological, political or of a public interest nature; or a sign indicating belief concerning an issue, name, cause or affiliation, including signs advertising political parties or any political information.

Outdoor event sign. A temporary sign designed to identify an outdoor event which is of general interest to the community.

Panel sign. A type of sign having the sign face or faces supported between two columns or poles, with no open area between such columns or poles.

Parapet. A false front or wall extension above the roof line of a building.

Permanent sign. Any sign which, when installed, is intended for permanent use. For the purposes of this Article, any sign with an intended use in excess of six months from the date of installation shall be deemed a permanent sign.

Pole sign. A type of free-standing sign erected upon a pole or poles which are visible and wholly independent of any building or other structure for support.

Projecting sign. A type of sign attached to and supported by a building or other structure and which extends at any angle therefrom.

Public service sign. A type of sign erected by a governmental authority, within or immediately adjacent to a right-of-way, indicating the location of public or governmentally owned facilities, such as airports, public transportation, hospitals, schools, parks or indicating street names or other messages of public concern.

Real estate sign. A temporary sign designed to indicate a property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."

Roof sign. A type of sign erected above the roofline or parapet, or any sign placed on rooftop structures.

Sign. Every device, frame, letter, figure, graphic, character, mark, permanently fixed object, ornamentation, plane, point, design, picture, logo, stroke, stripe, symbol, trademark, reading matter or other representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

Sign face. The part of a sign, visible from one direction, that is or can be used for communication purposes, including any background material, panel, trim, color or direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed.

Sign width. The horizontal distance, in lineal feet, measured along the lower edge of a sign cabinet, box, frame or other surface containing a sign face.

Sign structure. Any structure erected for the purpose of supporting a sign, including decorative cover and/or frame.

Snipe sign. A sign of any material, including paper, cardboard, wood or metal, which is tacked, nailed, pasted, glued or otherwise affixed to a pole, tree, stake, fence, structure, building, trailer, dumpster or other object, with the message thereon not applicable to the present use of the premises upon which the sign is located.

Subdivision sign. A sign designed to indicate the name of a subdivision or neighborhood or other residential development.

Temporary sign. Any sign, other than a snipe sign, with an intended use of six months or less.

Traffic control sign. Any sign designed to control traffic on public streets or private property, such as speed limit, stop, caution, one-way, do not enter, tow-away zone or no parking signs.

Window sign. A sign designed to be located in a window or other transparent surface, or within a building or other enclosed structure which is visible from the exterior through a window or other opening intended to attract the attention of the public. This term shall not include merchandise located in a window or interior signs.

Section 90-015: Prohibited signs.

The following types of signs are prohibited in the Town of Loxahatchee Groves unless specifically permitted by Section 90-050, "Promotional signs".

- (A) Animated signs;
- (B) Balloon signs;
- (C) Banner or pennant signs;
- (D) Bench signs;
- (E) Billboards;
- (F) Mobile signs;
- (G) Pole signs;
- (H) Projecting signs;
- (I) Roof signs;
- (J) Snipe signs;
- (K) Strip lighting.

Section 90-020: Temporary signs.

The following types of signs are permitted in the Town of Loxahatchee Groves on a temporary basis:

- (A) Garage sale sign;
- (B) Project sign;
- (C) Real estate sign;
- (D) Seasonal or holiday signage.
- (E) Other signs, including opinion signs, to be used on a temporary basis.

Section 90-025: General provisions for all signs.

This Section establishes the physical standards and requirements applicable to all signs including flags and the districts in which they are located. More detailed standards applicable to specific types of signs follow this Section.

(A) Setbacks. All signs shall be setback a minimum of five feet from the property line.

(B) Materials. All permanent signs shall be made of durable materials not subject to rapid deterioration.

(C) Lighting.

(1) All sign lighting is restricted to the hours of operation of the entity or establishment with which the sign is associated.

(2) All sign lighting shall be properly shielded to prevent glare on adjacent streets or properties.

(3) Illumination shall be constant and shall not consist of flashing or animated lights.

(4) Exception. Holiday signage shall be exempt from the lighting requirements above.

(D) Maintenance. Every sign, together with its framework, braces, angles, or other supports, shall be well maintained in appearance and in a good and safe condition. The sign shall be properly secured, supported, and braced, and able to withstand wind pressures as required by the applicable building code or any other regulatory code or ordinance in effect within the Town limits. In the event that an attached sign is removed, all anchor holes shall be filled and covered, by the owner of the property, in a manner that renders the anchor holes non-discernable with the wall.

(E) Design and placement. All permanent signs shall be limited to a maximum of two faces (double-faced). All signs shall not be placed in such a position or manner as to obstruct or interfere, either physically or visually, with any fire alarm or police alarm, and shall not project over a public street, trail, or other public right-of-way unless approved by the Town Council.

(F) Sign message. Any sign authorized by this Article may contain a non-commercial message provided that sign language or graphics do not contain obscenities.

Section 90-030: Computing sign area.

The methodology for computing sign area for all sign types shall be as follows:

(A) Single-faced signs. Single-faced signs shall measure the sign area to include the entire area within a single continuous perimeter composed of squares or rectangles that

enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and contrasting colored background and materials, unless stated otherwise herein. Supporting structures such as poles, sign bases, decorative elements, details, columns are not included in the sign area calculation

(B) Double-faced signs. Double-faced signs shall be counted as a single-faced sign. Where the faces are not equal in size, the larger face shall be used as the bases for calculating sign area.

Section 90-035: Computing sign height.

Sign height shall be measured from the lowest height of the adjacent ground. The height of the nearest adjacent roadway crown shall be used if the sign is placed on a mound or berm.

Section 90-040: Standards by sign type and zoning district.

(A) The following signs are permitted in the Agricultural Residential (AR) zoning district subject to the requirements below. All signs in residentially zoned districts shall not be illuminated unless it is holiday signage.

(1) Mandatory building identification sign

Sign face area:	0.5 sq. ft. (min) – 2 sq. ft. (max)
Lettering:	3 in. (min) - 8 in. (max)
Number of signs (maximum):	1 per dwelling unit
Attached/Freestanding or both:	Attached

(2) Garage sale sign

Sign face area:	6 sq. ft. (max)
Number of signs (maximum):	4 per garage sale
Height:	6 feet (max)
Other restrictions:	Signs shall be removed after sale
Attached/Freestanding or both:	Freestanding

(3) Real estate sign

Sign face area:	6 sq. ft. (max)
Number of signs (maximum):	1 per street frontage
Height:	6 feet (max)
Other restrictions:	Sign(s) shall be removed after sale.
Attached/Freestanding or both:	Freestanding

(4) Seasonal or holiday signage.

Sign face area:	Not applicable
Other restrictions:	Signage shall not be erected more than four weeks before the holiday and shall be removed

	within two weeks after the holiday.
Attached/Freestanding or Both:	Both

(5) Opinion sign

Sign face area:	6 sq. ft. (max)
Number of signs (maximum):	1 per street frontage
Height:	6 feet (max)
Other restrictions:	Sign(s) shall be removed within six weeks after election or final decision on issue (if applicable).
Attached/Freestanding or Both:	Freestanding

(B) The following signs are permitted in the Commercial Low (CL) and the Commercial Low Office (CLO) zoning districts. All signs, other than holiday signage, shall be illuminated by back lighting (halo or silhouette) or external lighting only.

(1) Mandatory building identification sign

Sign face area:	0.5 sq. ft. (min) – 4 sq. ft. (max)
Lettering:	3 in. (min) - 12 in. (max)
Number of signs (maximum):	1 per structure or business
Other:	May be an awning sign.
Attached/Freestanding or both:	Attached

(2) Awning sign

Sign face area:	4 sq. ft. (max); sign face area may not occupy more than 20 percent of awning.
Lettering:	3 in. (min) – 12 in. (max)
Number of signs (maximum):	1 per structure or business
Attached/Freestanding or both:	Attached

(3) Building wall sign

a. Individual building as outparcel or stand-alone building

Sign face area (maximum):	1 sq. ft. per one linear foot of building frontage, or thirty-six square feet, whichever is less. A minimum of eighteen square feet is permitted, however, in no case should the length of the sign exceed seventy-five percent of the building length
Number of signs (maximum):	1 per building. Buildings located on a corner are permitted a second wall sign at fifty percent of the square footage of the primary sign.
Sign design and dimension:	Carved or channel-styled letters, symbols, and logos only. Depth of lettering shall be eight inches maximum. Cabinet signs and changeable copy signs shall not be permitted.
Other restrictions:	A minimum of ten percent of the building must be maintained as clear wall area on either end

	of the sign.
Attached/Freestanding or both:	Attached

b. Shopping center or other multi-tenant center.

Sign face area (maximum):	Regular tenants: 1 sq. ft. per one linear foot of tenant frontage, or thirty-six square feet, whichever is less. A minimum of eighteen square feet is permitted. Anchor tenants: 1 sq. ft. per one linear foot of anchor tenant frontage, or sixty square feet, whichever is less. All tenants: In no case should the length of the sign exceed seventy-five percent of the building length or width of tenant frontage.
Number of signs (maximum):	1 per tenant with an individual exterior standard entrance. Corner tenants are permitted a second wall sign at fifty percent of the square footage of the primary sign.
Sign design and dimension:	Carved or channel-styled letters, symbols, and logos only. Depth of lettering shall be eight inches maximum. Cabinet signs and changeable copy signs shall not be permitted.
Other restrictions:	A minimum of ten percent of the building or tenant frontage must be maintained as clear wall area on either end of the sign.
Attached/Freestanding or both:	Attached

(4) Canopy sign.

Sign face area:	1 sq. ft. per one linear foot of canopy or twenty-four feet, whichever is less. A minimum of sixteen square feet is permitted.
Number of signs (maximum):	1 per canopy or 2 per building, whichever is less.
Sign design and dimension	Carved or channel-styled letters, symbols, and logos only. Depth of lettering shall be eight inches maximum. Cabinet signs and changeable copy signs shall not be permitted.
Attached/Freestanding or both:	Attached

(5) Monument or panel sign.

a. Individual building as outparcel or stand-alone building

Sign face area (maximum):	60 square feet
Number (maximum):	1 per building
Sign design:	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8". Changeable copy is limited to twenty-five percent of sign face.

Sign dimensions:	Maximum height of six feet and maximum length of twelve feet.
Secondary Signs:	Drive-thrus, multi-tenant buildings, and accessory structures of 1,000 square feet or greater are permitted one secondary monument or panel sign with a maximum face area of no greater than twelve square feet. The sign structure shall be no higher or wider than five feet. All secondary signs, unless a menu sign or directory sign, shall be consistent in design with the primary sign on site. All secondary signage shall be located within forty feet from the accessory structure and setback at least twenty feet from all property lines.
Attached/Freestanding or both:	Freestanding

b. Shopping center or other multi-tenant center.

Sign face area (maximum):	72 square feet.
Number (maximum):	1 per driveway.
Sign design:	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8". Changeable copy is limited to twenty-five percent of sign face.
Sign dimensions:	Maximum height of eight feet and maximum length of twelve feet.
Secondary Signs:	Drive-thrus, multi-tenant buildings, and accessory structures of 1,000 square feet or greater are permitted one secondary monument or panel sign with a maximum face area of no greater than twelve square feet. The sign structure shall be no higher or wider than five feet. All secondary signs, unless a menu sign or directory sign, shall be consistent in design with the primary sign on site. All secondary signage shall be located within forty feet from the accessory structure and setback at least twenty feet from all property lines.
Attached/Freestanding or both:	Freestanding

(6) Real estate or project sign

Sign face area:	12 sq. ft. (max)
Number of signs (maximum):	1 per street frontage
Height:	6 feet (max)
Other restrictions:	Sign(s) must be removed after sale or project

	completion.
Attached/Freestanding or both:	Freestanding

(7) Window sign

Sign face area:	6 sq. ft. or twenty percent of any window or door area, whichever is less.
Number of signs (maximum):	3 per tenant.
Other:	Window signs include neon signs and pasted letters, symbols, and logos.
Attached/Freestanding or Both:	Attached

(8) Holiday signage.

Sign face area:	Not applicable
Other restrictions:	Signage shall not be erected more than four weeks before the holiday and shall be removed within two weeks after the holiday.
Attached/Freestanding or Both:	Both

(9) Opinion sign

Sign face area:	Any sign that can be permitted within the regulations of this Subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable).
Number of signs (maximum):	
Other restrictions:	
Attached/Freestanding or Both:	

(C) The following signs are permitted in the Institutional and Public Facilities (IPF) zoning district. All signs, other than holiday signage, shall be illuminated by back lighting (halo or silhouette) or external lighting only.

(1) Mandatory building identification sign

Sign face area:	0.5 sq. ft. (min) – 2 sq. ft. (max)
Lettering:	3 in. (min) – 8 in. (max)
Number of signs (maximum):	1 per structure
Other:	May be an awning sign.
Attached/Freestanding or both:	Attached

(2) Awning sign

Sign face area:	2 sq. ft. (max); sign face area may not occupy more than 20 percent of awning.
Lettering:	3 in. (min) – 8 in. (max)
Number of signs (maximum):	1 per structure or tenant.
Attached/Freestanding or both:	Attached

(3) Monument or panel sign.

Sign face area (maximum):	60 square feet
Number (maximum):	1 per driveway
Sign design:	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8". Changeable copy is limited to eighty percent of sign face.
Sign dimensions:	Maximum height of six feet and maximum length of twelve feet.
Attached/Freestanding or both:	Freestanding

(4) Real estate or project sign

Sign face area:	12 sq. ft. (max)
Number of signs (maximum):	1 per street frontage
Height:	6 feet (max)
Other restrictions:	Sign(s) must be removed after sale or project completion.
Attached/Freestanding or both:	Freestanding

(5) Seasonal or holiday signage.

Sign face area:	Not applicable
Other restrictions:	Signage must not be present before or after six weeks of season or holiday.
Attached/Freestanding or Both:	Both

(6) Window sign

Sign face area:	6 sq. ft. or twenty percent of any window or door area, whichever is less.
Number of signs (maximum):	1 per building
Other restrictions:	Neon and other illuminated window signs shall not be permitted.
Attached/Freestanding or Both:	Attached

(7) Opinion sign

Sign face area:	Any sign that can be permitted within the regulations of this Subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable).
Number of signs (maximum):	
Other restrictions:	
Attached/Freestanding or Both:	

(D) The following signs are permitted in the Parks and Recreation (PR) zoning district. All signs, other than holiday signage, shall be illuminated by back lighting (halo or silhouette) or external lighting only.

(1) Mandatory building identification sign

Sign face area:	0.5 sq. ft. (min) – 8 sq. ft. (max)
Lettering:	3 in. (min) - 8 in. (max)
Number of signs (maximum):	1 per structure or business
Other:	May be an awning sign.
Attached/Freestanding or both:	Attached

(2) Awning sign

Sign face area:	2 sq. ft. (max); sign face area may not occupy more than 20 percent of awning.
Lettering:	3 in. (min) – 8 in. (max)
Number of signs (maximum):	1 per structure or tenant.
Attached/Freestanding or both:	Attached

(3) Monument or panel sign.

Sign face area (maximum):	60 square feet
Number (maximum):	1 per driveway
Sign design:	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8". Changeable copy is limited to eighty percent of sign face.
Sign dimensions:	Maximum height of six feet and maximum length of twelve feet.
Attached/Freestanding or both:	Freestanding

(4) Real estate or project sign

Sign face area:	12 sq. ft. (max)
Number of signs (maximum):	1 per street frontage
Height:	6 feet (max)
Other restrictions:	Sign(s) must be removed after sale or project completion.
Attached/Freestanding or both:	Freestanding

(5) Seasonal or holiday signage.

Sign face area:	Not applicable
Other restrictions:	Signage must not be present before or after six weeks of season or holiday.
Attached/Freestanding or Both:	Both

(6) Opinion sign

Sign face area:	Any sign that can be permitted within the regulations of this Subsection may contain a noncommercial message, however, sign(s) must
Number of signs (maximum):	
Other restrictions:	

Attached/Freestanding or Both:	be removed within one week after election or final decision on issue (if applicable).
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(E) The following signs are permitted in the Conservation (CN) zoning district. All signs, other than holiday signage, shall be illuminated by back lighting (halo or silhouette) or external lighting only.

(1) Mandatory building identification sign

Sign face area:	0.5 sq. ft. (min) – 8 sq. ft. (max)
Lettering:	3 in. (min) - 8 in. (max)
Number of signs (maximum):	1 per structure or business
Attached/Freestanding or both:	Attached

(2) Monument or panel sign.

Sign face area (maximum):	60 square feet
Number (maximum):	1 per driveway
Sign design:	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8". Changeable copy is limited to eighty percent of sign face.
Sign dimensions:	Maximum height of six feet and maximum length of twelve feet.
Attached/Freestanding or both:	Freestanding

(3) Opinion sign

Sign face area:	Any sign that can be permitted within the regulations of this Subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable).
Number of signs (maximum):	
Other restrictions:	
Attached/Freestanding or Both:	

Section 90-045: Temporary signs.

(A) A permit as required in Section 05-040 shall be obtained for any temporary sign six square feet or larger in size.

(B) No more than four temporary signs shall be erected per plot for any period of time.

(C) Temporary signs shall not be larger or higher than any permanent sign permitted on the premises where the sign will be located.

(D) No temporary sign shall be placed on public property or in a public ingress/egress easement. Signs placed in violation of this provision shall be considered abandoned and shall be subject to removal without notice by the Town.

(E) Lighting of temporary signs is prohibited.

(F) Unless otherwise stated, temporary signs shall be removed within six months from the date that the sign was erected.

Section 90-050: Promotional signs.

(A) The following promotional signs are permitted in the Commercial Low (CL), Commercial Low Office (CLO), Institutional and Public Facilities (IPF), Parks and Recreation (PR) zoning districts subject to the following standards.

(1) Balloon sign

Sign face area (maximum):	No maximum
Number (maximum):	1 per establishment
Sign dimensions:	Maximum height of twenty-five feet and maximum length (and width) of twenty-four feet.
Attached/Freestanding or both:	Freestanding

(2) Banner or pennant sign

Sign face area (maximum):	144 square feet.
Number (maximum):	4 per establishment
Sign dimensions:	Maximum height of twelve feet and maximum length of forty-eight feet.
Attached/Freestanding or both:	Both

(3) Mobile sign

Sign face area (maximum):	36 square feet
Number (maximum):	2 per establishment
Sign dimensions:	Maximum height and length of eight feet.
Other restrictions:	Signs shall not block or interfere with any pedestrian or vehicular use areas.
Attached/Freestanding or both:	Freestanding

(B) A permit as required in Section 05-040 shall be obtained for any promotional sign.

(C) No permit shall be issued for a period exceeding fourteen consecutive days.

(D) No more than four such permits shall be issued to any one establishment in any one calendar year.

(E) No permit shall be issued for promotional signs within twenty-eight consecutive days of the issuance of any previous promotional sign permit for the same establishment on the same plot.

(F) All promotion signs shall be illuminated by external lighting only.

(G) All promotional signs shall be setback a minimum of fifty feet from any adjacent residential zoning district.

Section 90-055: Billboards.

(A) The Town shall uphold and continue the prohibition on billboards and similar off-site signs instituted by Palm Beach County, however, this prohibition shall not restrict the repair, maintenance, relocation, or replacement of billboards constructed consistent with applicable codes and permit procedures prior to November 15, 1988, and included within the Palm Beach County billboard stipulated settlement agreement and billboard survey (approved February 6, 1996). The stipulated settlement agreement referred to herein shall be the primary source of information for implementing the intent and purpose of the regulations governing billboards and similar off-site signs.

(B) All further rights, responsibilities, exceptions, requirements, and rules concerning the permitting and amortization of billboards and similar off-site signs shall be outlined in Chapter H of Article 8 of the Palm Beach County Code, as amended, and hereby adopted by the Town of Loxahatchee Groves.

Section 90-060: Flags.

Flags in residential zoning districts are permitted up to six feet in area and may be mounted on a flag pole not exceeding fifteen feet in height. Flags in non-residential zoning districts are permitted up to one-hundred and forty-four feet in area and may be mounted on a flag pole not exceeding fifty feet in height. A maximum of four flags are permitted per each plot of land.

Section 90-065: Landscaping around signage.

All signage shall be surrounded by landscaping which meets the requirements of Section 85-045, "Landscape requirements for interior open space".

Section 90-070: Sign permit requirements.

(A) No permanent sign, promotional sign, billboard, or temporary sign larger than six square feet in area or height, shall be placed or altered on any plot until a permit has been issued by the Town consistent with Section 05-040.

(B) Sign permit applications shall, at a minimum, contain and be accompanied by the following:

(1) An indication of the specific type of sign and design;

(2) The address and legal description of the plot where the sign will be located;

- (3) A sign plan, drawn to scale, showing the dimensions, square foot area, sign face, copy, height of letters, height of sign, colors, lighting, and the sign structure;
- (4) The location and type of all other signs on the same plot;
- (5) A copy of the master signage plan for the development, if applicable;
- (6) For building wall signs, the building frontage and height of the building wall, parapet, or facade of the building;
- (7) For window signs, the area of such windows to be used for signs.
- (8) An indication of the landscaping to surround the proposed sign.

(C) Permit issuance. If, upon review, it is determined that an application is in accordance with the provisions of this Article, a permit shall be issued in accordance with Section 05-040 of this Code. Fees for permits shall be in accordance with the schedule established by the Town.

(D) Signs erected without permits.

- (1) Signs that were not lawfully permitted and do not comply shall be removed immediately upon receipt of notice from town code compliance personnel.
- (2) Signs that were not lawfully permitted but which comply fully with this Article shall require a permit within thirty days from receipt of notice from town code compliance personnel.

(E) Permit revocation. Permits for signs may be revoked by Town code compliance personnel if it is determined that any sign fails to comply with the terms of this Article and the owner of such sign fails to bring the sign into conformity within thirty days from receipt of any written notice of noncompliance. Revocation of a sign permit shall require removal of the sign in violation.

(F) Permit exemptions. Permits shall not be required for the following signs:

- (1) Temporary signs six feet in area or height or less.
- (2) Holiday signage;
- (3) Murals;
- (4) Flags;
- (5) Public service signs;

(6) Traffic control signs;

(7) Any sign on a plot, or portion of a plot, used as a farm and pertaining to farm activities.

Section 90-075: Nonconforming signs.

(A) Any permanent sign, excluding billboards and similar signs which are governed by Section 90-055, that was legally erected but does not conform to all provisions of this Article shall come into compliance within five years of the effective date of these regulations, except that permanent signs must immediately comply should any of the following events transpire:

(1) A change of copy is required on a sign pertaining to a single entity;

(2) A change of copy is required for fifty percent or more of a sign pertaining to multiple entities.

(3) The sign is abandoned as defined in Section 90-010, "Definitions."

(4) The sign must be relocated for any reason.

(5) The permit for the sign expires.

(B) Nonconforming signs may be refurbished or repaired provided no structural alterations are involved.

(C) Signs or sign structures which were never lawfully permitted shall not be determined as legally nonconforming signs and shall be subject to immediate removal without the benefit of any amortization period.

PART IV: PARKING AND LOADING, ACCESS AND SUBDIVISION, SIGHT DISTANCE.

DIVISION I: SPACE REQUIREMENTS, SIZE, AND USE.

Article 95: Parking and Loading

Section 95-005: Applicability.

The standards of this Article shall apply to all new development in the Town of Loxahatchee Groves except buildings and structures on portions of plots occupied by a bona fide agricultural use.

Section 95-010: Minimum parking space requirements.

The minimum parking requirements for each use is outlined below, however, for uses not specifically listed, the parking requirements for the most similar use shall be used as determined by the Town Manager. When the number of required parking spaces results in a fractional space, any such fraction shall require a full parking space. In the case of mixed uses (not including shopping centers), the total requirement for parking spaces shall be the sum of the various uses computed separately. In stadiums, sports arenas, religious facilities, bars and other places of assembly in which occupants utilize benches, pews, stools or other similar seating facilities, every twenty lineal inches of such seating shall be counted as one seat for the purpose of computing parking requirements. Every building, use or structure which complies with the parking requirements of this Article may provide additional parking spaces as needed.

(A) Residential uses

Uses	Minimum Parking Requirements
Single Family Dwelling	Two parking spaces per dwelling.
Mobile Home	Two parking spaces per home.
Accessory Dwelling	One parking space per dwelling.
Guest Cottage	One parking space per cottage.
Congregate Living Facility	One parking space per every two beds; plus one parking space per 200 sq. ft. of office space.
Home Office	No additional parking space required.
Residential Enterprise	No additional parking space required.
Other Residential Structures	No additional parking space required.

(B) Commercial uses

Uses	Minimum Parking Requirements
Adult Entertainment	One parking space per 200 sq. ft.

Establishment	
Arcade, Pool Hall	One parking space per 200 sq. ft.
Automobile Repair Garage	One parking space per 250 sq. ft., excluding bays; plus two parking spaces per repair bay.
Bank or Financial Institution	One parking space per 200 sq. ft.
Bar, Lounge, Tavern, Pub or Night Club	One parking space per three seats.
Barber Shop, Beauty or Nail Salon	One parking space per 250 sq. ft.
Car Wash, Self-Service or Automated	One parking space per 200 sq. ft.
Catering or Food Service Delivery	One parking space per 400 sq. ft.
Child Care Center	One parking space per 400 sq. ft.
Convenience Store, Gas Station	One parking space per 200 sq. ft.
Dry Cleaning or Laundry Service	One parking space per 250 sq. ft.
Hotel	One parking space per room or office; plus fifty percent of the required parking for other uses when operated in conjunction with and as part of a hotel.
Laboratory (e.g., medical, research)	One parking space per 250 sq. ft.
Landscaping Service	One parking space per 500 sq. ft.; Plus one parking space per 2,500 sq. ft. of outdoor storage area.
Nursery, Retail	One parking space per 500 sq. ft. of indoor retail and office areas; plus two parking spaces per five acres.
Offices (e.g., business, professional, medical)	One parking space per 250 sq. ft.
Package Liquor, Beer or Wine Store	One parking space per 200 sq. ft.
Restaurant, Fast Food	One parking space per four seats
Restaurant, Full Service	One parking space per three seats.
Restaurant, Take Out Only	One parking space per 50 sq. ft. of customer service area
Retail Store, General	One parking space per 250 sq. ft.
Retail Store, Furniture (or other large products)	One parking space per 500 sq. ft.
Shopping Centers	Five parking spaces per 1000 sq. ft.
Theater	One parking space per four seats
Veterinary Clinic	One parking space per 200 sq. ft., excluding animal exercise areas.
Warehouse, Self Storage	Two parking spaces; plus 1 parking space per 200 storage units.
Wholesale Store, Greater than 20,000 sq. ft.	One parking space per 1000 sq. ft.

(C) Civic uses

Uses	Minimum Parking Requirements
Churches, Places of Worship	One parking space per four seats or one parking space per 100 sq. ft. of worship area, whichever is greater.
Day Care, Preschool	One parking space per 400 sq. ft.
Funeral Home	One parking space per four seats, or a minimum of twenty-five parking spaces, whichever is greater.
Governmental Facilities	One parking space per 400 sq. ft., or one parking space per every three seats, whichever is greater.
Hospital, Medical Center	One parking space per two beds; plus one space per 200 sq. ft. of outpatient treatment area
Private Club or Lodge	One parking space per four seats, or one parking space per 100 sq. ft. of activity area, whichever is greater.
School, Elementary and Middle Grades	One parking space per classroom; plus one parking space for 400 sq. ft. of assembly area.
School, High	One parking space per classroom; plus one parking space per 5 students and one parking space for 400 sq. ft. of assembly area

(D) Agricultural uses

Uses	Minimum Parking Requirements
Commercial Equestrian Operations	One parking space per 500 sq. ft.; Plus one parking space per four animal stalls.
Nursery, Wholesale	One parking space per five acres, minimum two spaces.
Private Kennels and Stables	No additional parking space required.
U-Pick-Em Farms	One parking space per five acres, minimum two spaces.

(E) Recreational Uses

Uses	Minimum Parking Requirements
Gun or Archery Range	One parking space per target position
Other Recreational Uses	Determined by agency facilitating and maintaining the use.

Section 95-015: Use of required parking facilities.

Parking spaces required and approved in conformance with this Article may be used only for parking of vehicles of owners, tenants, employees and customers utilizing the building or site served by such required parking space. The following uses and activities are prohibited in required parking facilities:

- (A) Parking to serve an off-site building, except as provided under Section 95-035, “Shared parking facilities,” below.
- (B) Storage, repair or commercial display of any vehicles, equipment or merchandise;
- (C) Parking or storage of commercial vehicles owned, operated or used in the business of a commercial occupant of a building between the hours of 8:00 a.m. and 5:00 p.m.;

(D) Parking of any vehicle, which due to its size, shape, contents or location, creates an obstruction or public safety hazard or which cannot be contained within a single designated parking space.

Section 95-020: Maintenance of parking facilities.

(A) All parking facilities required by this Article shall be maintained and continued as an accessory use as long as the primary use with which the parking facilities are associated continues to exist.

(B) When any structure is modernized, altered or repaired, and provided there is no increase in floor area, capacity, density, or change of use or occupancy, no additional parking space shall be required.

(C) When any structure is changed in use or occupancy, or is increased in floor area, capacity, density, any additional parking space required by this Article for the new use or additional floor area, capacity or density over and above what would be required for the existing use, floor area, capacity or density shall be provided. For the purpose of this Section, a change of use or occupancy may include a change from one category of parking requirements to another such category under Section 95-010, "Minimum parking space requirements".

(D) Any change of use or occupancy, or any increase in floor area, capacity or density pursuant to Subsection (C) above, that would result in more than a fifty percent increase of parking spaces, shall require the entire property to be brought into full conformance with the requirements of this Article, as a condition of the issuance of any site plan approval or permit required for such changes.

(E) It shall be unlawful for any owner or operator of any building, structure or use affected by this Article to discontinue, change or dispense with the required parking facilities, apart from the discontinuance of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this Article. Additionally, it shall be unlawful for any person to occupy such building or structure for any purpose without providing the parking facilities to meet the requirements of, and be in compliance with this Article. Failure to maintain the required parking facilities in accordance with this Article shall constitute grounds for revocation of any certificate of use and occupational license issued for use of the premises, and mandatory cessation of the use.

(F) It shall be unlawful to use any part of private or public property for parking or storage of vehicles which is not constructed, designated and maintained in compliance with this Article.

Section 95-025: Size of parking spaces.

The minimum size of a parking space shall be as follows:

Standard space - eleven feet by twenty-two and one-half feet (11' x 22.5')

Parallel space – eleven feet by twenty-seven and one-half feet (11' x 27.5')

Handicap space – fourteen feet by twenty-two and one-half feet (14' x 22.5')

Section 95-030: Combined parking facilities.

Nothing in this Article shall be construed to prevent collective provision for, or joint use of, parking facilities for two or more buildings or uses by two or more owners or operations, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this Article. In such cases, a recorded agreement shall be executed in the same manner as provided for in Section 95-035, below.

Section 95-035: Shared parking facilities.

Required parking spaces may be permitted to be utilized for meeting the parking requirements of two or more separate permitted uses when it is clearly established by the applicant that the different uses will utilize the spaces at different times of the day, week, month or year, such as an office sharing spaces with a dinner-only restaurant, such that the total number of parking spaces required by this Article for each use is fully available during the operation of each use. A recordable covenant, with the correct legal description, shall be submitted by the owners of the property and all businesses or tenants involved in a form acceptable to the Town Attorney. The covenant shall be recorded in the public records of Palm Beach County at the applicant's expense, and shall run with the land. The covenant shall provide that the use or portion of a use, that requires the shared parking in order to obtain the necessary permits or licenses, shall cease and terminate upon any change in the uses' respective schedules of operation that results in conflicting or overlapping usage of the parking facilities, and that no use may be made of that portion of the property until the required parking facilities are available and provided. The covenant shall also provide that the Town may collect attorneys' fees if litigation is necessary to enforce the requirements of this Section.

Section 95-040: Location of required parking facilities.

All required parking facilities shall be located on the same plot or parcel of land such facilities are intended to serve. No required parking space may be located in front of any overhead garage door or other loading area in a nonresidential building, except self storage warehouses.

Section 95-045: Nonconforming parking facilities.

(A) Residential properties. All nonconforming, residential plots shall comply with this Article prior to the issuance of a Certificate of Occupancy for any new construction exceeding the lowest of either twenty-five percent of the square footage of the existing dwelling, or one-thousand square feet.

(B) Non-residential properties. All nonconforming, nonresidential properties shall comply with this Article to the maximum extent possible prior to the issuance of a Certificate of Occupancy for any improvement requiring a site plan modification or new site plan. Maximum extent possible shall not be construed to require a variance or a creation or exacerbation of a nonconformity.

Section 95-050: Minimum loading space requirements.

The minimum loading space requirements for each use is outlined below, however, for uses not specifically mentioned, the loading requirements for the most similar use shall be used as determined by the Town Manager. When the number of required loading space results in a fractional space, any such fraction shall require a full loading space.

Uses	Minimum Loading Requirements
Residential	No loading space required.
Retail complexes, storage warehouse excluding self storage warehouses, wholesale establishments including nurseries, restaurant, laundry, office building, dry cleaning establishment or other use that receives and/or ships materials or merchandise by truck.	(A) One loading space per gross floor area of 2,000 sq. ft. to 20,000 sq. ft.; (B) Two loading spaces per gross floor area of 20,001 sq. ft. to 60,000 sq. ft.; (C) Three loading spaces per gross floor area of 60,001 sq. ft. to 120,000 sq. ft.; (D) Four loading spaces per gross floor area of 120,001 sq. ft. to 200,000 sq. ft.; (E) Five loading spaces per gross floor area of 200,001 sq. ft. to 290,000 sq. ft.; Plus, one loading space for each additional 90,000 sq. ft. over 290,000 sq. ft.
Auditoriums, convention halls, exhibition hall, museum, hotel, sports arena, stadium, and hospitals.	One loading space per gross floor area of 20,000 sq. ft. to 40,000 sq. ft.; Plus, one loading space for each additional 40,000 sq. ft. over 40,000 sq. ft.

Section 95-055: Use of loading spaces.

No area or facilities supplied to meet parking requirements for a use shall be utilized for or be deemed to meet the requirements of this Article for loading facilities.

Section 95-060: Shared loading facilities.

Nothing in this Section shall prevent the collective, joint or shared provision of loading facilities for two or more buildings or uses on the same site, provided that such loading

facilities are sufficient in size and capacity for the combined requirements of the buildings or uses and are located and arranged as to be usable.

Section 95-065: Maintenance of loading spaces.

(A) There shall be provided and maintained adequate space for loading and unloading of materials, goods or things, and for delivery and shipping on the same plot with every structure that is hereafter erected or created, so that vehicles for these services may use this space without interfering with the public use of streets, alleys and parking areas by pedestrians and vehicles. The loading facility shall be designed to accommodate both the parking of and maneuvering of the design vehicle exclusive of those areas designated for aisles, driveways or parking stalls.

(B) Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this Section, the full amount of loading space shall be supplied and maintained for the structure or use in its enlarged or extended size.

(C) Where the use of a structure or land or any part thereof is changed to a use requiring loading space under this Section, the full amount of loading space shall be supplied and maintained to comply with this Section.

Section 95-070: Size of loading spaces.

For the purposes of this Section, a loading space shall be an area at the grade level at least twelve feet wide by forty-five feet long with a fourteen foot vertical clearance, except that for plots containing an aggregate amount of less than ten-thousand square feet of gross floor area of buildings, and for office buildings and banks, a loading space may be ten feet in width by twenty-five feet long.

Section 95-075: Location of loading spaces.

Each loading space shall be directly accessible from a street, alley or driveway without crossing or entering any other required loading space, shall be clearly marked as to purpose, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Loading spaces shall not be located in a parking aisle and shall not be more than thirty feet from the building which the loading space serves. Any pedestrian walkway crossing ingress and egress to a loading space shall be clearly marked.

Section 95-080: Nonconforming loading facilities.

All nonconforming properties shall comply with this Article to the maximum extent possible prior to the issuance of a Certificate of Occupancy for any improvement requiring a site plan modification or new site plan. Maximum extent possible shall not be construed to require a variance or a creation or exacerbation of a nonconformity.

Section 95-085: Minimum requirements for drive-through establishments.

In addition to meeting the minimum parking and loading standards of this Article, all drive-thru establishments shall provide queuing spaces as outlined below.

Uses	Required Queuing Spaces*
Drive-Thru Financial Institution (A) Teller Lanes (B) Automatic Teller Lanes	Five queuing spaces Three queuing spaces
Drive-Thru Restaurant	Seven queuing spaces, of which four are before menu board
Drive-Thru Car Wash (A) Automatic (B) Self-Service	Five queuing spaces Three queuing spaces
Drive-Thru Oil Change	Four queuing spaces
Gasoline Station	Twenty feet of queuing space at each end of pump island
Drive-Thru Dry Cleaning or Laundry	Three queuing spaces
Drive-Thru General Retail	Four queuing spaces
Commercial Parking Lot	Three queuing spaces

* In addition to these requirements, one additional queuing space shall also be provided after the point of service for all uses.

Section 95-090: Size of queuing spaces.

Each queuing space shall be a minimum of nine by twenty feet. Queuing shall be measured from the front of the vehicle located at the point of service to the rear of the queuing lane.

Section 95-095: Queuing by-pass lane.

All drive-thru facilities shall provide a minimum of ten feet wide by-pass lane before or around the point of service unless the queuing lane is adjacent to a vehicular use area which functions as a by-pass lane. The by-pass lane shall be clearly designated and distinct from the queuing area.

DIVISION II: DESIGN, PLACEMENT, ACCESS, AND CONSTRUCTION OF PARKING AREAS

Section 95-100: Design of parking areas.

(A) Parking Dimensions. Angled spaces in self-parking facilities shall be designed according to, and shall not be smaller than, the minimum required dimensions as depicted below, which have been formulated to accommodate full-sized pick up trucks.

A	B	C	D*	E	F
Parking Angle	Stall Width	Stall Length	Aisle Width	Half Bay	Full Bay
0°	11'	27.5'	16'	26.0'	36.0'
20°	11'	19.1'	16'	35.1'	54.2'
22.5°	11'	19.7'	16'	35.7'	55.4'
30°	11'	21.3'	16'	37.3'	58.6'
40°	11'	23.0'	16'	39.0'	62.0'
45°	11'	23.6'	19'	42.6'	66.2'
50°	11'	24.1'	19'	43.1'	67.2'
60°	11'	24.6'	22'	46.6'	71.2'
70°	11'	24.5'	23'	47.5'	72.0'
75°	11'	24.2'	26'	50.2'	74.4'
80°	11'	23.8'	28'	51.8'	75.6'
90°	11'	22.5'	28'	50.5'	73.0'

* Dimensions are for one-way direction movement. Two-way direction movement requires a minimum of twenty-eight feet, regardless of parking angle and dimensions given in the table, above.

(B) Drive aisles. Drive aisles shall have a minimum width of twelve feet for one-way traffic and twenty-four feet for two-way traffic. If a parking aisle requires access for emergency vehicles, garbage trucks, or trucks move to or from a loading area, that particular parking aisle shall be at least twenty-four feet wide.

(C) Ingress/egress driveway. The minimum distance from the ultimate street line at any ingress or egress driveway to any interior drive aisle or parking stall with direct access to such driveway shall be twenty-two feet in order to accommodate at least one vehicle within the ingress/egress driveway without blocking parking stalls or interior drive aisle. Shopping centers and other similar uses may require additional distance as determined by the Town Engineer and based on any available traffic study.

(D) Setback requirements. Single-family residential driveways shall be setback from any property line by at least five feet. All other driveways, drive aisles, parking areas and other impervious areas including walkways shall be setback from any property line by at least ten feet.

(E) Wheel stops and curbing. Parking stalls which abut sidewalks or structures shall be designed with wheel stops or contiguous curbing to help prevent accidental human injury or property damage. The required wheel stops or curbing shall be located at least two and one-half feet from any sidewalk or structure.

Section 95-105: Placement of parking areas.

All parking areas, including drive aisles and queuing spaces, for non-residential land uses shall be placed at least fifteen feet away from any equestrian trail/greenway travel surface constructed or planned in the Town's adopted Master Roadway, Equestrian and Greenway Plan, as amended.

Section 95-110: Access to parking areas.

(A) All required parking areas shall be directly accessible from a public street, private street, or recorded ingress and egress easement. All parking spaces shall be accessible without driving over or through any other parking space, except for single-family dwellings. No parking shall be designed to permit backout parking onto a public right-of-way, nor shall parking spaces be located so as to require backing onto or across a sidewalk, greenway, or trail except for single-family dwellings.

(B) Any parking lot which exceeds sixty parking stalls shall be designed with at least one two-way directional loop system connecting the entrance to the parking space area and the principal building. Other innovative designs may be approved in lieu of this requirement.

(C) A driveway which is only wide enough for one-way traffic access shall not be used for two-way access.

(D) All required parking stalls shall have direct and unobstructed access from a parking aisle.

(E) No parking stall shall directly abut an ingress/egress driveway.

(F) All parking aisles shall connect to an ingress/egress driveway.

Section 95-115: Construction of parking areas.

(A) Subgrade, base and surface materials. Unless specifically permitted in Subsection (B), below, all parking areas shall have the top twelve inches of undisturbed soil compacted to one-hundred percent of maximum dry density as per AASHTO T-99-C. Parking areas shall be constructed with the following materials:

(1) A minimum of six inch shellrock or limerock base with at least a three-inch layer of open graded emulsified mix (OGEM) or a surface material of equivalent durability as detailed in the Rural Vista Guidelines, as adopted; or

(2) A base and surface material of equivalent durability, as certified by an engineer.

(B) Grass parking. Grass parking shall be permitted subject to the following standards.

(1) Only parking spaces provided for peak hour demand may be allowed as grass parking;

(2) A grass parking area shall not include any existing or proposed landscaped area, surface water management area or easement, other than a utility easement;

(3) Handicap parking shall not be located in a grass parking area;

(4) No grass parking area shall be counted towards meeting minimum open space or landscape standards.

(C) Drainage. All parking areas shall be constructed in a manner that prevents stormwater from draining onto, and becoming a nuisance to, adjacent properties.

Section 95-120: Maintenance of constructed materials.

All paving surfaces shall be maintained in a smooth and well-graded condition. Grassed parking surfaces shall be maintained in their entirety with viable turf cover. If at any time it is determined that a grass parking area does not meet the standards established in this Article, the property shall be required to restore the grass surface or utilize an alternative material permitted by this Code.

Section 95-125: Plans.

New parking and loading areas and modifications to existing parking and loading areas shall require site plan approval pursuant to Article 155, "Site Plans."

Article 100: Access Standards and Subdivision

Section 100-005: Local and collector roadways, generally.

The design of all local streets and collectors shall preserve the unique, rural character of the Town and discourage non-resident traffic in residential areas. In part this shall be achieved by ensuring that all local roadways and collectors be constructed of a width, design, and materials deemed acceptable by the Town of Loxahatchee Groves Town Council.

Section 100-010: Access to County and State roadways.

(A) Access to County- or State-owned roadways shall be designed pursuant to the Palm Beach County Land Development Code and approved by the Florida Department of Transportation (FDOT), Palm Beach County, or any other applicable regulating agency, and the Town.

Section 100-015: Access to collector and arterial roadways.

(A) When the rear of a residential plot abuts a collector or arterial roadway, a non-vehicular access line shall be provided along the entire interface of the plot and collector or arterial roadway to clearly designate the plot's intended and rightful access.

(B) When a residential plot has frontage on both a local roadway and a collector roadway, the plot shall only gain access from the local roadway, and a non-vehicular line shall be provided along the entire interface of the plot and collector or arterial roadway to clearly designate the local road as the residential plot's intended access.

Section 100-020: Separation requirements.

No driveway entrance serving any plot within the Town shall be located closer than fifty feet of a roadway intersection. Additionally, on collector and arterial roadways, driveway entrances shall be located no closer than one-hundred feet apart, unless this requirement would prevent an existing plot from obtaining legal access to the roadway, in which case, the maximum separation distance required to gain legal access to the property in full conformance with this Code shall be used.

Section 100-025: Number of driveways.

In order to provide the least interference to the traffic flow on public streets, and to preserve the spacious character of the Town, the number and location of driveways shall be regulated as follows:

(A) One driveway shall be permitted for ingress and egress purposes to a single property or development.

(B) Two driveways serving a single property may be permitted provided that the property is at least one acre in size and the minimum spacing between the two driveways on the same plot equals or exceeds fifty feet.

(C) Three driveways serving a single property may be permitted provided that the property is at least one acre in size and has frontage on two public streets. No more than two driveways shall be located on any single roadway, however, and the minimum driveway distance spacing between any two driveways on the same plot must be equal to or greater than fifty feet.

Section 100-030: Driveway requirements.

(A) The minimum and maximum width of driveways shall be as follows:

Use	Minimum	Maximum
Residential	No Minimum	Twenty-four feet
Nonresidential (one-way)	Twelve feet*	Twenty-four feet
Nonresidential (two-way)	Eighteen feet	Forty-four feet

* Unless driveway is required for emergency vehicle access in which case the minimum width shall be eighteen feet.

(B) Existing driveway approaches shall not be relocated, altered, or reconstructed without approval for relocation, alteration, or reconstruction of such driveway approaches. When the use of any driveway approach is changed, making any portion or all of the driveway approach unnecessary, the developer of the abutting property shall obtain a permit from the Town Engineer to abandon the driveway approach and shall, replace all necessary swales and landscape cover at his own expense.

(C) The maximum slope of a driveway immediately beyond the ultimate right-of-way line shall not change in excess of five percent for either angle of approach or break over angle. Variations from this standard shall be permitted if adherence to this standard would cause incompatibility with existing swales.

Section 100-035: Access to development.

All developable plots shall have direct, legal access from a publicly dedicated street, except as follows.

(A) Private streets. A plot which does not have direct, legal access from a publicly dedicated street can be developed provided that it has direct, legal access via a private street. A permanent access easement over the entire private right-of-way shall be granted to the Town for service and emergency vehicles and for maintenance of public and semi public utilities. The private street shall be constructed and meet the standards of Section 100-045, "Minimum standards for public and private streets".

(B) Private ingress/egress easement. A plot which does not have direct, legal access from a publicly dedicated street can be developed provided that it has direct, legal access via a private ingress/egress easement, subject to the following requirements:

(1) Individual access to a landlocked parcel. One landlocked parcel may be accessed via an ingress/egress easement at least fifteen feet wide, with a minimum of a ten-foot wide travel surface connecting the landlocked parcel to a public street through an intervening lot or parcel. All travel surfaces, and land adjacent to, shall be constructed and sloped in a manner that prevents stormwater from draining onto, and becoming a nuisance to, adjacent properties. Furthermore, this individual access arrangement shall meet the requirements of Section 100-040, "Private ingress/egress arrangements".

(2) Shared access to multiple landlocked parcels. Up to four parcels may be accessed via an ingress/egress easement at least twenty-five feet wide, with a minimum fifteen-foot wide travel surface connecting the landlocked parcels to a public street through an intervening lot or parcel. All travel surfaces, and land adjacent to, shall be constructed and sloped in a manner that prevents stormwater from draining onto, and becoming a nuisance to, adjacent properties. Furthermore, this shared access arrangement shall meet the requirements of Section 100-040, "Private ingress/egress arrangements".

Section 100-040: Private ingress/egress arrangements.

All individual and shared access to landlocked parcels shall meet the following requirements:

(1) The ingress/egress easement shall provide for access by emergency vehicles and government officials, employees, or contractual service providers during the course of their official duties.

(2) All property owners utilizing an individual or shared access easement shall enter into an agreement defining the rights and responsibilities of the parties in regards to the maintenance of the access easement and shall record such agreement in the Public Records of Palm Beach County, Florida.

(3) The developer and property owner shall enter into, and shall record in the Public Records of Palm Beach County, Florida, a Declaration of Restrictive Covenants for Private Roadways and Access in a form approved by the Town Attorney, which shall, in part, indemnify and hold harmless the Town and its agents for the construction of an access easement, which is less than the access easement set forth in Section 100-045, "Minimum standards for public and private streets".

(4) The permissibility of an ingress/egress arrangement pursuant to Section 100-035, "Access to development" is conditioned upon no further subdivision being possible that would require dedication and construction of a public or private street in lieu of an ingress/egress easement.

(5) The address of all properties without direct, legal access to a public road shall be displayed at the public street entrance of the ingress/egress easement and again at the entrance to each property from the driveway.

(6) The maximum length of an ingress/egress easement pursuant to Section 100-035, "Access to development" shall be one-quarter mile (1,320 feet).

Section 100-045: Minimum standards for public and private streets.

The design and construction of public and private streets shall be in accordance with acceptable engineering principles. The design and construction of required improvements shall, at a minimum, be in accordance with current Town standards, including those contained in this Article. Should a developer elect to provide improvements of a type or design proposed to equal or exceed the minimum requirements, standards for design and construction of such improvements shall be submitted for approval and evaluated for adequacy on an individual basis by the Town Engineer.

(A) Local roadway design standards.

The design of all local roadways (public and private) shall be as follows:

(1) Volume. Typical volume of local roadways shall be between zero and two-thousand vehicles per day.

(2) Access. Local roadways shall provide primary access to residential and agricultural properties and limited commercial development. Cut-through traffic is to be discouraged.

(3) Design speed. Local roadways shall be designed for travel at a maximum of thirty miles per hour.

(4) Required right-of-way dedication. The minimum right-of-way dedication for all new local roadways shall be thirty feet, however, at the discretion of the Town Engineer, this minimum may be increased in order to provide sufficient drainage, canal maintenance, or to implement the Loxahatchee Groves Master Roadway, Equestrian and Greenway Plan, 2009 (MREG, 2009).

(5) Construction of roadway. The entire width of the right-of-way shall be demucked before construction of the roadbed begins. No material of FDOT Class A-5, A-7 or A-8 shall be allowed. All material supporting the roadway and shoulders shall have a minimum load bearing ratio (LBR) of forty (40). The top twelve inches of the undisturbed soil shall be compacted to one-hundred percent of maximum dry density as per AASHTO T-99-C. Unless otherwise approved by the Town Engineer, limerock or shellrock bases shall be at least six inches thick and shall have a minimum LBR of one-hundred (100). Base material shall be compacted to a density of not less than ninety-eight percent of maximum density as determined by AASHTO T-180. Roadway surface shall consist of at least a three-inch layer of open graded emulsified mix (OGEM) or a surface material of equivalent durability, as certified by an engineer.

- (6) On-street parking. Parking on local roadways is prohibited.
- (7) Traffic calming. The Town Council shall have the authority to approve traffic calming devices.
- (8) Turnaround. Any local roadway that does not conclude as an intersection of another roadway shall provide a turnaround of adequate dimension, as determined by the Town Engineer, to allow for the successful maneuvering and redirection of large vehicles such as emergency service and refuse collection vehicles.
- (9) Other. Traffic signals, curbs, turn lanes, medians and sidewalks shall not be provided unless specifically required by the Town Engineer.
- (10) Standards for roadways under the jurisdiction of the Loxahatchee Groves Water Control District shall be governed by standards developed by the District.

Section 100-050: Roadway signage.

All roadway signs shall conform to the “Manual on Uniform Traffic Control Devices” and shall be approved by the Town Engineer.

Section 100-055: Subdivision of lots.

The lot arrangement and design of subdivisions shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of the area. Lot dimensions and areas shall not be less than those specified by the applicable zoning regulations.

Section 100-060: Installation of improvements; improvement agreements, and bonding for improvements.

(A) Improvements required. A developer shall be responsible for all roadway and drainage improvements for those roadways lying within or adjacent to the proposed development and necessary to provide access and accommodate the traffic generated by the development.

(1) On-site improvements. A developer shall be required to bond for and construct the on-site improvements required by the provisions of this Article and any additional improvements necessary for traffic safety, including, but not limited to the following: pavement, rock base, fill, curbs, gutters, guardrail, shoulder areas, swales, roadside recovery areas, bridges, drainage outlets, catch basins, drainage pipes, culverts, drainage ditches, and traffic signs.

(2) Off-site improvements. A developer shall be required to bond for and construct the roadway and roadway drainage improvements on property adjacent to the proposed

development necessary to connect the new development to an existing adequately constructed adjacent street system, and provide drainage improvements as required.

(3) At the Town Manager's discretion, the Town may accept alternative forms of fund securitization.

(4) The Town Manager may waive the fund securitization requirements of this Section when the Manager determines that such fund securitization is not necessary to ensure that the improvements are constructed in a timely manner, that the Town will be able to recoup the cost of any improvements it constructs should a developer default on its responsibilities, and that public health and safety will not be compromised.

(B) Installation required. All improvements required from the developer as a condition to the approval of an application for a development order shall be installed and completed before the issuance of any Certificate of Occupancy, except as provided in Subsection (C), below.

(C) Improvement agreements. At the discretion of the Town Manager, the applicant may provide, in a form acceptable to the Town Council, a recordable agreement which includes all of the required improvements and the date of completion as an alternative to all required improvements being installed and completed prior to the issuance of a development permit, and provided that all other applicable requirements of this code are met. Any non-standard agreement or security proposed by a developer pursuant to this Subsection shall be considered for approval by the Town Council. Improvement agreements may be secured by lien, cash bond, surety bond executed by a company authorized to do business in the State of Florida, or an irrevocable letter of credit. The amount of the security shall be sufficient to ensure the completion of all required improvements, and providing for and securing to the public the actual construction and installation of said required improvements, within a reasonable period of time or before issuance of building permits or certificates of occupancy as required by the Town Council and expressed in the bond or other security. The Council may also approve standard form agreements and securities for the installation of improvements, which do not require individual approval by the Town Council. A standard form agreement and security presented by a developer shall be approved by the Town Attorney prior to plat recordation, recordation of an agreement to place or amend the note on a plat, recordation of a document amending the non-vehicular access line, or the issuance of a development order for a site plan. Town Attorney approval is required for all such agreements.

(D) Enforcement. The Town Council is authorized to enforce such bonds, security deposits or other collateral agreements by appropriate legal proceedings. If the required improvements have not been completed prior to issuance of a certificate of occupancy or as otherwise specifically indicated in the terms of such bond or other security, the Town Council may thereupon declare the bond or other security to be in default and require that all the improvements be installed, regardless of the extent of the development at the time the bond or other security is declared to be in default. In addition to the Town Council's authority to enforce agreements under this Subsection, no certificate of occupancy shall

be issued prior to the actual construction and installation of improvements provided for in the agreement, unless expressly authorized in the agreement.

(E) Bonds to other regulatory entities. With respect to improvements required by this Article, where such improvements are required by and bonded to any other appropriate unit of local government or regulatory entity, the Town Council shall not require duplicate bonds or additional bonds unless it determines that the bond or security already required is inadequate to assure completion of such required improvements. Where such improvements are not required by and bonded to any other appropriate unit of government or regulatory entity, said security shall be payable to the Town.

(F) Bonding required improvements. The amount necessary to secure required paving, grading and drainage improvements and water and sewer improvements, and all other improvements required under the ULDC shall be based upon approved plans for those improvements, a registered professional engineer's cost estimates submitted by the applicant and approved by the Town Engineer, or cost estimates developed by the Town Engineer. Security amounts for the required improvements shall be submitted to the Town Engineer prior to Town issuance of the development order for which the improvements are required. Security amounts for the required improvements shall be submitted to the Town Engineer for approval prior to submittal of any improvement agreement. Security amounts shall be approved based on the following procedure:

(1) Engineer's cost estimate. The applicant may submit an engineer's cost estimate for each of the required improvements listed in the staff report, utilizing the approved and current unit prices available from the Town Engineer.

(2) Cost estimate by the Town Engineer. The applicant may submit a written request for the Town Engineer to prepare a cost estimate for each of the required improvements listed in the staff report. The cost to the Town for the preparation of the estimate shall be reimbursed by the applicant.

(3) Submittal of plans. An applicant may submit engineering plans for the required improvements listed in the staff report. Required improvement plans shall conform to the minimum design and construction standards of this Code. When the plans and supporting documents provide sufficient information for the Town Engineer to make a determination, the Town Engineer shall calculate and issue an approved security amount for the required improvements. Upon receipt of the approved security amount, the Town Engineer shall approve the construction plans, and the applicant shall obtain all necessary permits.

(4) When the security is based upon a registered professional engineer's cost estimates or cost estimates developed by the Town Engineer, the applicant shall provide security in an amount which is twenty-five percent greater than the estimated cost. The security document shall provide for approval of improvement plans by the Town prior to commencement of construction or issuance of the first building permit, whichever first occurs. Failure to submit said improvement plans shall be deemed a default of the

obligation secured and the security document shall provide for said default. No security shall be accepted nor construction commenced until the provisions set forth in this Section have been satisfied.

Article 105: Sight Distance

Section 105-005: Sight distance triangle.

(A) The Town hereby establishes a mandatory sight distance triangle for the purposes of ensuring adequate cross visibility at the following types of intersections:

(1) Intersection of driveway and street. Where a driveway intersects a street, the triangular area of property on both sides of a driveway, measured ten feet from the intersection, and on the street line, measured ten feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.

(2) Intersection of trail and street. Where a trail intersects a street, the triangular area of property on both sides of a trail, measured ten feet from the intersection, and on the street line, measured ten feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.

(3) Intersection of two streets. Where two streets intersect, the triangular area of property on all sides of the intersection, measured twenty-five feet from the intersection, and on the street line, measured twenty-five feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.

(B) Within any sight distance triangle described in paragraph (A), above, it shall not be permissible to install, set out or maintain, or to allow the installation, setting out or maintenance of, either temporarily or permanently, any vehicular parking space, sign, fence or wall, hedge, shrubbery, tree, earth mound, natural growth or other obstruction of any kind which obstructs cross-visibility at a level between thirty inches and eight feet above the level of the center of the adjacent intersection except that:

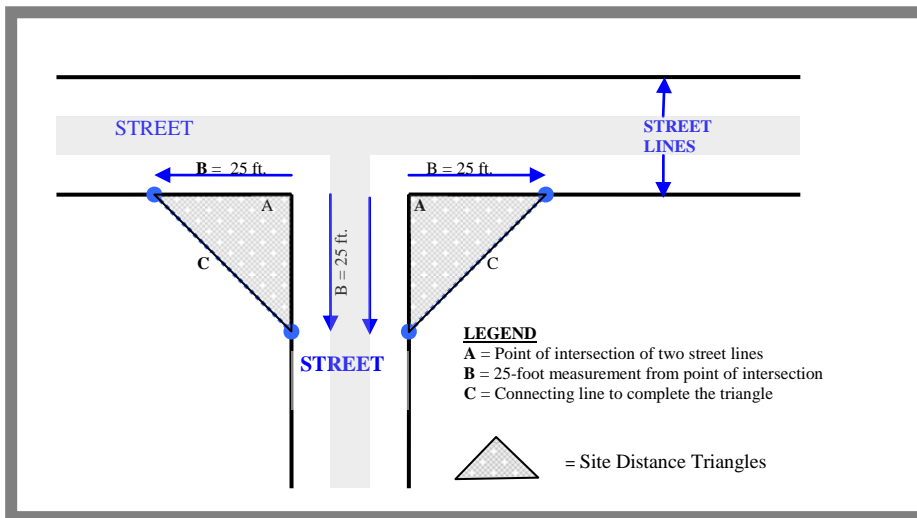
(1) Fences or walls within the sight triangle can be constructed in such a manner as to provide adequate cross-visibility over or through the structure between thirty inches and eight feet in height above the driving surface.

(2) Trees having limbs and foliage can be trimmed in such a manner that no limbs or foliage extend into the area between thirty inches and eight feet above the level of the center of the adjacent intersection.

(3) Fire hydrants and public utility poles are permissible.

(4) Street markers and traffic control devices are permissible.

EXAMPLE OF SITE DISTANCE TRIANGLE



PART V: DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS

Article 110: General Application Requirements

Section 110-005: Application submittal.

All applications governed under this Part shall be in the form of a Town application provided for and submitted by a qualified applicant. Town-initiated applications need not comply with application submittal requirements other than those requirements otherwise established by law. Each application shall be accompanied by a fee or fees as determined by the Town for each type of application pursuant to the official fee schedule.

Section 110-010: Qualified applicants.

Qualified applicants shall be limited to the following:

(A) Vacations or Abandonment of Right-Of-Ways. Qualified applicants shall be limited to the owner or agent of the owner of the property adjacent to the right-of-way.

(B) Administrative Appeals. Qualified applicants shall be limited to any person who has been aggrieved by an order, requirement, determination or decision on the basis of an alleged error made by a Town official, employee, or designee.

(C) Other Applications. Qualified applicants shall be limited to the owner, or agent of the owner, having unified control or a recognizable interest in the property, provided all owners and all holders of equitable interest, including purchasers have authorized the application as required by law. For example, for a property owned by a trust, the trust agreement may allow two of three trustees to authorize such an application.

(D) Publicly Initiated Applications. Qualified applicants shall be limited to the Town Manager or Town Council for future land use plan map amendments, comprehensive plan text amendments, rezonings, and other applications including vacations of public right-of-way.

Section 110-015: Optional preapplication conference.

Any applicant may schedule a preapplication conference at least one week prior to submittal of an application to the Town Planner or designee. The applicant shall provide an initial deposit to cover the cost of the conference and shall bring materials sufficient for the Town Planner or designee to evaluate the proposal or request. The purpose of the preapplication conference is to identify problems, opportunities, errors, additional approvals required, and clarifications needed and to discuss the submittal requirements and review process to ensure a complete, correct submittal and smooth application process. The preapplication conference is not mandatory and not intended to entail a complete staff review of the application and accompanying materials. Failure of staff to identify any required permits or issues at a preapplication conference shall not constitute

a waiver of code requirements or permits. Preapplication conferences shall be billed against the initial deposit provided by the applicant on a cost recovery basis and any remaining unbilled monies shall be used to reduce the required application fee(s).

Section 110-020: Determination of Completeness.

The Town Planner or designee shall review the application for completeness and notify the applicant of any deficiencies. Applications in which the Town Planner or designee determines are incomplete shall not undergo further processing until all submittal requirements are satisfied. If the applicant fails to provide additional information as requested by the Town Planner or designee within ten (10) working days of the request or, alternatively, fails to give an indication of when the information will be submitted, the application shall be deemed to be withdrawn by the applicant. If an application is withdrawn by the applicant and re-submitted, a new application fee and processing number shall be assigned.

Section 110-025: Minimum required information for all applications.

(A) All applications shall include the following:

- (1) Owner's and agent's name, address, telephone number, and notarized signature;
- (2) Agent's relationship to property;
- (3) Proof of ownership and any other party's interest in the property, including binding contract of sale;
- (4) Existing zoning and future land use plan map designations;
- (5) Description and justification for the request;
- (6) Legal description;
- (7) Copy of a certified and sealed survey dated within two years, to include statement of amount of acreage or square footage of land involved, whenever the request is site-specific, unless waived by the Town Planner or designee;
- (8) For all applications that are subject to review criteria by these regulations, an explanation as to how the application satisfactorily addresses each criterion;
- (9) Supplemental application information and materials as may be required for each type of development application. This information is found within each Article devoted to the various development applications.
- (10) Fee deposit for cost recovery as determined by the Town Manager.

(B) Applications for plan amendment, site plan, variance, or rezoning that could result in an increase in the density or intensity of permitted uses, specifically excluding any variance for one single family residence, shall submit to the Town a traffic study assessing the proposed development's vehicular and pedestrian access; on-site circulation; parking; any proposed roadway or easement vacations or road closures, whether permanent or temporary for construction purposes; and off-site roadway impacts, including net traffic impact and traffic impact within adjacent neighborhoods. The traffic study shall utilize the most current edition of the Institute of Transportation Engineers' Trip Generation manual and shall use generally accepted methodologies.

Section 110-030: Inaction deemed withdrawal of application.

Inaction by an applicant exceeding one-hundred eighty days during the application review process, including failure to supply additional information the Town deems necessary for continued review and failure to submit revisions in response to Town development review comments, shall be deemed a withdrawal of the application, unless the applicant files a request for extension.

The Town Manager may approve a request for extension not to exceed ninety days, only upon a determination the applicant has been making a diligent effort to proceed with the application review and approval process but has been hampered by extenuating circumstances. Applications that are deemed withdrawn shall be subject to any reapplication fee determined by the Town for such applications, and shall include resubmittal of an application and all other required application documents. An applicant's written request to proceed to the Town Council for a public hearing on the basis that the applicant believes the submittal complies with the Unified Land Development Code shall not be considered inaction.

Article 115: Public Hearing Notices.

Section 115-005: Applicability.

All public notices required by this Part shall be noticed according to this Article.

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Section 115-010: Table of public notice requirements.

APPLICATION TYPE	REQUIRED PUBLIC HEARINGS	TIMING OF NOTICE (number of days prior to public hearing that notice must be given)	NEWSPAPER NOTICE FORMAT	MAIL NOTICE RADIUS	SIGN POSTING REQUIRED?	OTHER NOTICE
Administrative Appeal	Town Council	10 days	Standard Ad	Applicant only	No	Posting at Town Hall
Variance	Town Council	10 days	Standard Ad	Within 1,000 feet	Yes	Posting at Town Hall
Special Exception	Town Council	10 days	Standard Ad	Within 1,000 feet	Yes	Posting at Town Hall
Site Plan	Town Council	10 days	Standard Ad	Within 1,000 feet	Yes	Posting at Town Hall
Plat	Town Council	10 days	Standard Ad	Within 1,000 feet	No	Posting at Town Hall
Rezoning initiated by the property owner	Local Planning Agency	10 days	Not Required	Not Required	Yes	Posting at Town Hall
	Town Council (first reading)	10 days	Not Required	Not Required	Yes	Posting at Town Hall
	Town Council (second reading)	10 days	Standard Ad	Within 1,000 feet	Yes	Posting at Town Hall

Rezoning initiated by the City for fewer than 10 contiguous acres	Local Planning Agency	10 days	Not Required	Not Required	No	Posting at Town Hall
	Town Council	30 days	Standard Ad	All owners of property proposed for rezoning shall be notified	No	Posting at Town Hall
Rezoning initiated by the City for 10 or more contiguous acres	Local Planning Agency	10 days	Not Required	Not Required	No	Posting at Town Hall
	Town Council (first reading)	See § 166.041(3)(c)2			No	Posting at Town Hall
	Town Council (second reading)	See § 166.041(3)(c)2			No	Posting at Town Hall
Amendments to Unified Land Development Code (ULDC)	Local Planning Agency	10 days	Not Required	Not Required	No	Posting at Town Hall
	Town Council (first reading)	See § 166.041(3)(c)2 F.S.			No	Posting at Town Hall
	Town Council (second reading)	See § 166.041(3)(c)2 F.S.			No	Posting at Town Hall
Land use map amendment (small scale per § 163.3187(1)(c) F.S.)	Local Planning Agency	See § 166.041(3)(a)2 F.S.			Yes	Posting at Town Hall
	Town Council (first reading)	10 days	Not Required	Not Required	Yes	Posting at Town Hall
	Town Council (second reading)	10 days	Standard Ad	Within 1,000 feet	Yes	Posting at Town Hall

Land use plan amendment (not small scale)	Local Planning Agency	See § 166.041(3)(a)2 F.S.	Yes	Posting at Town Hall
	Town Council (transmittal)	See § 166.041(3)(c)2 F.S.	Yes	Posting at Town Hall
	Town Council (adoption)	See § 166.041(3)(c)2 F.S.	Yes	Posting at Town Hall

(Intentionally Left Blank)Section 115-015: Timing of public hearing notices.

Section 115-015: Timing of public hearing notices.

As provided in Section 115-010 (table), the “timing of notice” column refers to the number of calendar days prior to the date of the public hearing, not including the date of the hearing, that the newspaper ad must appear in the newspaper, the sign(s) must be posted, mail notices must be mailed, and posting at Town Hall shall occur, if applicable, provided that the minimum posting requirement at Town Hall shall be five business days prior to the public hearing, unless the timeframe is greater as provided by law.

Section 115-020: Sign notices.

(A) Posting requirements. Where sign posting is required by Section 115-010 (table), the applicant shall be responsible for posting a sign along all public street frontages of the property that is the subject of the public hearing. The sign shall be posted between ten and twenty feet from the edge of the street so as to be visible to the public. The sign shall be at least six square feet in area and contain substantially the following language.

<p style="text-align: center;">Public Hearing Notice Application type: [e.g., Rezoning, Variance, etc.] Date and time: [e.g., August 14, 2009, 6:30 p.m.] For information call: [applicable town staff phone number]</p>

(B) Affidavit of sign posting. Every applicant required to post a sign shall provide proof of sign posting no later than seven days prior to the date of the public hearing. Proof shall consist of one or more photographs of the sign placed upon the site, as necessary to demonstrate the location of the real property upon which the sign is posted, and the exact location of the sign upon the property. A notarized affidavit, signed by the applicant or sign company responsible for posting the sign, shall accompany the photograph(s). Other proof may be provided if acceptable to the Town Manager. If the applicant fails to submit the affidavit, processing of the application shall cease until such affidavit is received.

(C) Removal of signs. All public notice sign(s) shall be removed by the applicant within three working days after the application receives final disposition.

Section 115-025: Mail notices.

(A) The owners of all lands located with the Town under consideration for approval of an application, and the owners of all lands within the Town lying within the distances prescribed by Section 115-10 (table), shall be notified by the Town of the application and of the first meeting at which the application will be considered. Such notices shall be sent U.S. Mail, postage-paid, to the persons shown upon the current tax rolls of Palm Beach County to be the respective owners unless there is actual knowledge of a subsequent property owner. Mail notification of subsequent public hearings is not required.

(B) At minimum, mail notifications shall contain the following information:

- (1) Explanation of the request;
 - (2) Time, place and date of public hearing;
 - (3) Phone number for information;
 - (4) General location and address of the lands involved (if applicable);
 - (5) That the application and supporting materials are available for inspection at Town Hall, specifying the Department and times the materials are available for review;
 - (6) That persons may appear and be heard, subject to proper rules of conduct;
 - (7) That written comments filed with the Town will be entered into the record;
 - (8) That the hearing may be continued from time to time as necessary;
 - (9) That any person who decides to appeal a decision made at the public hearing is advised they will need a record of proceedings and that accordingly, they may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based;
 - (10) That persons with disabilities requiring accommodations in order to participate should contact the Town Clerk (provide phone number) at least twenty-four hours in advance of the public hearing to request such accommodation; and
 - (11) Any other information required by law, noting that advertisements for comprehensive plan amendments and certain rezonings are specifically regulated by Chapter 166.041, Florida Statutes, as may be amended from time to time.
- (C) In addition to Subsections (A) and (B), above, quasi-judicial hearing notices shall inform all affected persons that they will be allowed to present evidence at the hearing and bring forth witnesses provided they notify and file the required forms available at the Town Clerk's Office.

Section 115-030: Newspaper notices.

(A) All required newspaper notices shall be placed in one or more newspapers of general paid circulation in Palm Beach County, and of general interest and readership in the Town. Standard newspaper notices shall contain the same information as required in Section 115-025, "Mail notices".

(B) Comprehensive plan (text and land use plan map) amendments, code amendments changing the list of permitted, prohibited and conditional uses of land, and rezonings initiated by the city, are specifically regulated by Chapter 166.041, Florida Statutes, as may be amended from time to time. Pursuant to said Chapter 166, such ads shall not be

placed within the legal ads or classified section of the newspaper, shall be two columns in width by ten inches in length, shall prominently state “NOTICE OF LAND USE CHANGE” or similar in eighteen point type, and shall include a location map as applicable.

Article 120: Quasi-Judicial Hearings.

Section 120-005: Scope and applicability.

These procedures shall apply to all quasi-judicial hearings held by the Town Council or by any Board or Committee which holds quasi-judicial hearings. The Town Clerk or its designee shall designate all quasi-judicial matters on the agenda. However, if a quasi-judicial hearing is held, it shall not be construed as an admission that the application was quasi-judicial, rather than legislative.

Section 120-010: Definitions.

(A) Applicant. The owner of record, the owner's agent, representative, or any person with a legal or equitable interest in the property which is the subject of the proceeding. Proof of Applicant status must be furnished to the Town prior to the proceeding.

(B) Board. The Town Council or any other board or committee established by the Town that hears quasi-judicial matters.

(C) Board Member. Any individual serving on the Board.

(D) Ex-parte communication. Any oral, written, electronic or graphic communication with a Board Member which may directly or indirectly relate to or which could influence the disposition of the matter, other than those made on the record during a quasi-judicial hearing.

(E) Expert. A person who is qualified in a subject matter by knowledge, skill, experience, training, and/or education.

(F) Independent Expert. A person who is qualified in a subject matter by knowledge, skill, experience, training, and/or education who is not affiliated with the Applicant or any other party, and who wishes to provide testimony in the matter and have such knowledge, skill, experience and/or education considered by the Board in weighing such testimony.

(G) Material Fact. A fact that bears a logical relationship to one or more issues raised by the application or the laws and regulations pertaining to the matter requested by the application.

(H) Participants. Members of the general public who offer unsworn or sworn testimony at a Quasi-Judicial hearing for the purpose of being heard on the matter.

(I) Party. The Applicant or any recognized party intervenor.

(J) Party Intervenor. An individual or group who, under the recognized legal principals of standing can demonstrate that they will suffer an adverse effect to a protected interest,

such as health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interests may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons. The Town Attorney shall determine if a person qualifies as a party intervenor.

(K) Quasi-Judicial or Quasi-Judicial Matter. A proceeding that results in a decision having an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be viewed as the result of application of policy rather than setting of policy.

(L) Relevant Evidence. Evidence tending to prove or disprove a fact that is material to the Board's determination.

(M) Staff. Any person having a contractual relationship with the Town, except the Town Attorney.

(N) Witness means a person who testifies under oath.

Section 120-015: Quasi-judicial matters.

For the purposes of this Article, the following matters, regardless of whether the final determination is made by the Town Council or a board, shall be considered to be quasi-judicial:

(A) Site plans

(B) Plats

(C) Conditional use approvals

(D) Special Exceptions

(E) Variances

(F) Administrative appeals

(G) Site-specific rezonings

(H) Any other matters the Town Attorney determines are subject to quasi-judicial hearing.

Section 120-020: Ex-parte communications.

Ex-parte communications shall be prohibited and may provide a basis to deny an application.

Section 120-025: General procedures.

(A) Prior to being placed on the Town's agenda, the Applicant, in support of their application, shall submit to the Town a detailed outline of how they satisfy the Code's criteria and requirements, copies of all exhibits that which will be presented at the hearing, and the names and addresses of all witnesses who will be called to testify in support of the application. Resumes shall also be furnished for all witnesses the Applicant intends to qualify as an expert.

(B) At least seven days before a Quasi-Judicial hearing, Staff shall prepare a report, recommendation and, if necessary, will include additional supporting materials upon which Staff's recommendation is based. A copy of Staff's materials shall be readily available for examination at the Town Clerk's Office. A copy of Staff's resumes and expert qualifications shall remain on file with the Town.

(C) The requirements above are necessary to ensure the Board is given sufficient opportunity to review the written submissions prior to the hearing, and shall be strictly observed. Failure to comply with these requirements shall result in an item being continued until the next available agenda.

Section 120-030: Party intervenor.

(A) The Town Council may allow a person to intervene as a party intervenor if they meet the following requirements:

(1) The individual or group, under the recognized legal principals of standing can demonstrate that they will suffer an adverse effect to a protected interest, such as health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, or environmental or natural resources. The alleged adverse interests may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

(2) At least five working days prior to the hearing, the individual or group shall submit a written request to the Town Manager to intervene and to be given party intervenor status. Said request shall include a detailed outline of their interest in the application and argument in favor or against the application, copies of all exhibits which will be presented at the hearing and the names of all witnesses who will be called to testify on their behalf. Resumes shall also be furnished for all witnesses who are intended to be qualified as an expert.

(3) The party intervenor shall provide copies of all submitted materials to all parties known at the time of submission. A certificate of service stating that each party has been provided the documentation must accompany its submission.

(4) Any applications received or requests made for party intervenor status that are not submitted at least five working days prior to hearing on the matter, may be recognized by the Town Council upon a showing of good cause. If a late appearance is permitted, the Applicant shall have the right to a continuance, without additional cost. Persons who do not demonstrate good cause are not entitled to seek delay in the proceedings.

Section 120-035: Reserved.**Section 120-040: Conduct of quasi-judicial proceedings.**

(A) The Mayor, or designee, shall conduct the proceedings and maintain order.

(B) The Mayor, or designee, shall call the proceeding to order and shall announce whether or not the hearing has been properly advertised in accordance with state law.

(C) The Town Attorney, or designee, shall explain the rules concerning procedure, testimony, and evidence.

(D) The Town Attorney, or designee, shall swear in all individuals and witnesses desiring to provide sworn testimony on the matter. The board shall not assign such unsworn or unqualified testimony the same weight or credibility in its deliberations.

(E) The Mayor, or designee, shall request that the Applicant, and, if applicable, any individual, or group that has applied for party intervenor or expert status place their name on the record. The Town Attorney shall then state for the record whether such status should be recognized by the Board for the purpose of the current proceeding.

(F) Order of Proof:

(1) The applicant has the burden of proof and shall present evidence and testimony in support of the application. Applicant shall have a maximum of thirty minutes to make a full presentation, including an opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Board. The presentation of the case in chief for the applicant will then be considered closed, except for rebuttal as provided herein.

(2) A representative of Town Staff shall briefly describe the applicant's request, introduce and review all relevant exhibits and evidence, report staff's recommendation, and present any testimony in support of staff's recommendation. Staff shall have a maximum of thirty minutes to make their full presentation, including an opening statement and direct presentation by witnesses, but excluding any cross-examination or questions from the Board. The presentation of the case in chief for the staff will then be considered closed, except for rebuttal as provided herein.

(3) Any party intervenor shall present evidence and testimony in support of or opposed to the application. A party intervenor shall have a maximum of thirty minutes to make a full presentation, including an opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Board. The presentation of the case in chief for the party intervenor will then be considered closed, except for rebuttal as provided herein.

(4) Any other persons present who wish to submit relevant information to the Board shall speak next for a maximum of three minutes. Presidents or representatives of Town recognized home owners or civic associations may speak for an additional two minutes if they are speaking on behalf of the association. Speakers shall not transfer their time to any other speaker. Members of the public will be permitted to present their non-expert opinions, but the Board will be expressly advised that public sentiment is not relevant to the decision, which must be based only upon competent substantial evidence. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the Board shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations. Any and all cross-examination or questions from the Board shall not be considered part of that person's time.

(5) The party intervenor will be permitted to make final comments, if any for a maximum of five minutes. The party intervenor's final argument shall refer only to facts admitted into evidence. The Board shall disregard arguments that refer to facts not in evidence.

(6) The Town staff will be permitted to make final comments, if any for a maximum of five minutes. The Town staff's final argument shall refer only to facts admitted into evidence. The Board shall disregard arguments that refer to facts not in evidence.

(7) The applicant will be permitted to make a final argument, if any for a maximum of five minutes. The applicant's final argument shall refer only to facts admitted into evidence. The Board shall disregard arguments that refer to facts not in evidence.

(G) The Town Attorney will advise the Board as to the applicable law and the factual findings that must be made to approve, approve with conditions, or deny the application.

(H) The hearing will then be turned over to the Board for open deliberation of the application. The Town Council shall have the discretion to reopen the proceeding for additional testimony or argument by the parties. All decisions by the Board shall be based on the evidence presented to the Board including, but not limited to, the materials in the agenda back-up, testimony of all witnesses, any documentary and demonstrative evidence and visual aids presented. Each board member shall weigh all the competent material and relevant evidence presented, giving each piece of evidence the weight the board member sees fit. After deliberations, a vote shall be taken to approve, approve with conditions, or deny the application. When approving an application, the Board must ensure that there is competent substantial evidence in the record to support its decision and that the applicant has satisfied the applicable criteria in the Town's Code.

Section 120-045: Time allotment.

Notwithstanding anything contained herein that is to the contrary, the Board may place further limitations on or modifications to the time allotments, provided that the Town Attorney agrees that said limitations or modifications do not affect the Party's or the public's right to due process.

Section 120-050: Examination by the Board and Town Attorney.

The Board may ask questions of persons presenting testimony and evidence at any time during the proceedings.

Section 120-055: Cross-examination.

(A) After each witness testifies, the Town staff, a party intervenor, and the applicant, shall be permitted to question the witness. Such cross examination shall be limited to matters about which the witness testified and shall be limited to five minutes per side. Members of the public will not be permitted to cross-examine witnesses. Cross-examination shall be permitted only as would be permitted in a Florida court of law.

(B) The Mayor may direct the party conducting the cross-examination to stop a particular line of questioning that:

(1) Merely harasses, intimidates or embarrasses the individual being cross-examined; or

(2) Is not relevant and is beyond the scope of the facts alleged by the individual being cross-examined.

(C) If a party conducting the cross-examination continuously violates directions from the Mayor to end a line of questioning deemed irrelevant and/or merely designed to harass, intimidate and embarrass the individual, the Town Attorney may terminate cross-examination.

Section 120-060: Evidence.

- (A) The formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
- (B) All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, regardless of whether such evidence would be admissible in court.
- (C) Evidence or testimony which is not relevant, material or competent, or testimony which is unduly repetitious or defamatory should be excluded. The Town Council shall determine the relevancy of evidence.
- (D) Documentary evidence may be presented in the form of a copy or the original, if available. Upon request, the staff, or any party shall be given an opportunity to compare the copy with the original.
- (E) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a Florida court.

Section 120-065: Statements of counsel.

Statements of counsel, or any non-attorney representative shall only be considered as argument and not testimony unless counsel or the representative is sworn in and the testimony is based on actual personal knowledge of the matters which are the subject of the statements.

Section 120-070: Continuances and deferrals.

- (A) The Board shall consider requests for continuances made by staff, the applicant, or a party intervenor and may grant continuances in its sole discretion. Generally, as a courtesy, one continuance shall be granted if requested by staff or the applicant. If, in the opinion of the Board, any testimony or documentary evidence or information presented at the hearing justifies allowing additional time to research or review in order to properly determine the issue presented, then the Board may continue the matter to a time certain to allow for such research or review. A request for a continuance for the purpose of additional research and review may be granted upon a showing of good cause.
- (B) No additional notice shall be required if a hearing is continued to a fixed date, time and place.

Section 120-075: Supplementing the record.

Supplementing the record after the hearing is prohibited, unless pursuant to the following conditions:

(A) After continuation of a hearing, but prior to the final action being taken.

(B) If a question is raised by the Board at the hearing to which an answer is not available at the hearing, the party to whom the question is directed may submit the requested information in writing to the Board after the hearing, provided the hearing has been continued or another hearing has been scheduled for a future date and no final action has been taken by the Board. The Board will specifically identify the question to which a response is required. No additional information will be accepted.

(C) All supplemental information shall be filed with the Town Clerk no later than three days prior to the continued or next scheduled hearing and shall be subject to the provisions of Section 120-020, "Ex-parte communications."

Section 120-080: Transcription of hearing.

(A) The Town Clerk shall preserve the official transcript of the hearing through a digital or tape recording and/or video recording.

(B) Any person may arrange, at their sole expense for a court reporter to transcribe the hearing.

(C) If any person, at their sole expense, decides to order a transcription of the hearing in its written form, that transcription shall become the official transcript, and shall be provided to the Town at no cost to the Town.

Section 120-085: Maintenance of evidence and other documents.

The Town Clerk shall maintain all of the evidence and documents presented at the hearing. Said evidence and documents may be maintained in electronic form.

Section 120-090: False testimony.

Any willful false swearing on the part of any witness or person giving evidence before the Board as to any material fact in the proceeding shall be deemed to be perjury and shall be punishable in the manner prescribed by law for such offense.

Section 120-095: Failure of applicant to appear.

If a party or their representative fails to appear at the time fixed for the hearing, and such absence is not excused by the Board, the Board may proceed to hear the evidence and render a decision thereon in absentia.

Section 120-100: Decisions to be written.

Decisions on quasi-judicial matters shall be reduced in writing within 30 calendar days of the decision.

Article 125: Vested Rights Determinations

Section 125-005: Generally.

(A) The Town Council recognizes that certain land development rights of property owners may be vested with respect to approved land uses, density or intensity of development and/or staging or phasing of development. Any person claiming vested rights to develop property shall make application for a vested rights determination with the Town Manager.

Section 125-010: Procedure.

(A) The Town Manager shall review the application and any supporting documents and may consult with the Town Attorney's office. The Manager shall render a determination within thirty days of receiving all information the Manager deems necessary to make the determination.

(B) If the Town Manager receives a notice of appeal from the applicant within thirty days of mailing the determination to the applicant by certified mail, the appeal shall be scheduled for a public hearing before the Town Council, which may uphold or reverse the Manager's determination pursuant to Article 145, "Administrative Appeals".

(C) All vested rights determinations shall be based upon whether vested rights have been created pursuant to the provisions set forth within this Article, applicable statutes, or established case law, and shall consider whether any time limitation is applicable to such vested rights.

Section 125-015: Standards for claims for vested rights, subject to changes in Florida law and applicable case law.

(A) There was a valid, unexpired act of an agency of the Town upon which the applicant reasonably relied in good faith; and

(B) The applicant, in reliance upon the valid, unexpired act of an agency of the Town, has made a substantial change in position or has incurred extensive obligations or expenses; and

(C) It would be inequitable, unjust, or fundamentally unfair to destroy the rights acquired by the applicant.

(D) The following are not considered development expenditures or obligations in and of themselves, without more, unless the applicant was unable to obtain further approvals because of extraordinary delays, beyond the applicant's control:

(1) Expenditures for legal and other professional services that are not related to the design or construction of improvements.

(2) Taxes paid.

(3) Expenditures for initial acquisition of land.

(E) The casual, temporary or illegal use of land or a structure, or part thereof, shall not be sufficient to create any vested rights in the continuance of such a use.

(F) It is recognized that there may be additional circumstances where some vested rights have arisen which are not specified above.

Article 130: Concurrency Reviews.

Section 130-005: Applicability.

(A) All applications for a development permit for development of vacant land, an increase in residential density on improved land, an increase in nonresidential building area on improved land, or any change in use, shall be subject to an adequacy determination for the amount of additional demand created by the proposed development or increase in intensity of use, unless there was a previously approved site plan, plat or building permit for which the proposed level of development was previously evaluated, and a valid (non-expired) finding of adequacy made, or the application qualifies for one of the following exceptions:

(1) Development orders or rights determined to be vested pursuant to a judicial determination or pursuant to Article 125, "Vested Rights Determinations."

(2) A valid and approved development order which was final as of November 14, 1989, under the provisions of Chapter 380, Florida Statutes.

(3) The proposed development is a government facility the Town Council finds is essential to the health or safety of persons residing in or using previously approved or existing development.

(B) For purposes of adequacy determinations involving previously improved land, for the purpose of vesting the impact of "existing development," the term shall be construed to include vacant structures, and previous development demolished no earlier than eighteen months previous to the date of application submittal for a plat, site plan, or building permit, as applicable.

Section 130-010: Timing of adequacy determination.

Adequacy determination for roadways, parks, drainage, solid waste, potable water and wastewater shall be made at the earliest of plat approval or plat note amendment, site plan approval or building permit. However, solid waste, water and wastewater capacity shall not be reserved until time of building permit application, and finding of adequacy at time of plat, plat note amendment or site plan shall not be construed as a reservation of capacity.

Section 130-015: Expiration of findings of adequacy.

Findings of adequacy made by the Town of Loxahatchee Groves shall expire three years after the date a development order or development permit (in the case of a plat or site plan approval) making such a finding is issued. The Town shall have no responsibility to notify an applicant of pending adequacy determination expiration.

Section 130-020: Determination of available capacity.

(A) The Town Manager shall not issue a finding of adequacy for any development unless determining that there is available capacity to serve the proposed development while maintaining the adopted level of service for all existing and approved development. Except as further qualified in subsection (B) below, the available capacity of a facility shall be determined by adding together the capacity of existing facilities and the capacity of new facilities, and subtracting from that total, the design demand of existing development and the design demand of approved but unbuilt development (see table below).

Available capacity	Existing facility capacity + new facility capacity - design demand of existing development - design demand of approved but unbuilt development.
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(B) The capacity of new facilities shall be included in the determination of available capacity only if one or more of the following conditions exist:

(1) The necessary facilities are in place at the time a development order is issued, or a plat or site plan are approved subject to the condition that the necessary facilities will be in place when the impacts of development occur.

(2) Construction of the new facilities is under way at the time of the application.

(3) The new facilities are the subject of a binding, executed contract for the construction of the facilities to be constructed within a period of time as stipulated in the contract, or the provision of services at the time the development permit is issued.

(4) The new facilities have been included in the Town's, Palm Beach County's or applicable agency's annual capital improvement budget.

(5) The new facilities are guaranteed at a specific time in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., as may be amended from time to time, or an agreement or development order issued pursuant to Chapter 380, F.S. Such facilities must be consistent with the capital improvements element of the Town's Comprehensive Plan and approved by the Town and/or County Engineer, as applicable.

(6) The developer has contributed funds to the Town and/or county, as necessary to provide new facilities consistent with the capital improvements element of the Town and/or county comprehensive plan. Commitment that the facilities will be built must be evidenced by an appropriate budget amendment and appropriation by the Town and/or county or other government entity.

(C) Consistent with the Loxahatchee Groves Comprehensive Plan, Parks and recreation facilities to serve new development shall be in place or under actual construction no later

than one year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the Town prior to issuance of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.

(D) Consistent with the Loxahatchee Groves Comprehensive Plan, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the Town approves a building permit that results in traffic generation.

Section 130-025: Presumption of maximum impact.

(A) For the purpose of implementing this Article, a proposed development shall be presumed to have the maximum impact permitted under applicable land development regulations in the absence of a complete site plan application, deed restriction, or plat restriction.

(B) If an application for a building permit provides for more intensive use than that indicated when the finding of adequacy was made, the application shall be reevaluated for concurrency.

Section 130-030: Adequacy of roadways.

(A) Level of service (LOS). As consistent with the Loxahatchee Groves Comprehensive Plan, LOS "D" is the minimum acceptable LOS for all County roadways such as Folsom Road, Okeechobee Boulevard, and Southern Boulevard. Palm Beach County makes all adequacy determinations for County maintained roadways.

(B) Measurement of capacities. The standard procedure for the initial measuring of highway capacities is the Florida Department of Transportation's Generalized Traffic Volume Tables for Florida's Urbanized Areas, as amended.

Section 130-035: Adequacy of drainage facilities.

(A) Level of Service. As consistent with the Loxahatchee Groves Comprehensive Plan, the minimum design criteria and the standard to assess adequacy of service for drainage systems in the Town are as follows:

(1) Minimum roadway and parking lot elevations shall be at least at the highest elevation that may occur at the peak of the 10-year, one-day storm event;

(2) Minimum site perimeter elevations shall be at least the 25-year, three-day stage. Site runoff up to such stage level may not overflow into any adjacent property, unless a permanent drainage easement is obtained;

(3) Dry or wet retention/detention, stage versus storage, stage versus discharge and flood routing calculations for the 10-year, one day; 25-year, three-day; and 100-year, three-day storm events for the site shall be submitted with the site development plans;

(4) Building floor elevations shall be at or above the 100-year flood elevation, as determined from the Federal Flood Insurance Rate Maps or calculations following the latest South Florida Water Management District (SFWMD) methodology, whichever is greater;

(5) Off-site discharge shall be limited to pre-development runoff based on the 25-year, three day storm event calculated by SFWMD methods;

(6) All roof runoff shall be detained on site.

(7) Storm sewers shall be designed to convey the 5 year, one-day storm event.

(8) Prior to discharge to surface or groundwater, Best Management Practices (BMPS) of SFWMD shall be used to reduce pollutant loading from storm water runoff from non-agricultural uses.

(9) Prior to discharge to surface or groundwater, best management practices of the Department of Environmental Protection and United States Department of Agriculture shall be used to reduce pollutant loading from stormwater run-off from agricultural uses.

(B) All storm water management facilities in the Town shall be designed in accordance with the South Florida Water Management District criteria and with Loxahatchee Groves Water Control District criteria, when applicable.

Section 130-040: Adequacy of potable water facilities.

(A) Level of Service. As consistent with the Loxahatchee Groves Comprehensive Plan, the level of service standard for centralized potable water facilities is the Florida Department of Environmental Protection Permitted Capacity of the facility. The LOS standard for water treatment plants is measured by maximum daily flow. The level of service standard for potable water facilities provided by Palm Beach County Water Utilities Department is 126 gallons per capita per day. Palm Beach County shall make all adequacy determinations for County owned potable water utilities.

(B) Mandatory tie-in to existing potable water facilities. As consistent with the Loxahatchee Groves Comprehensive Plan, all applicants for development permits shall utilize existing potable water facilities if lines are available as defined by Chapter 62-550, 62-555, and 62-560, Florida Administrative Code (FAC). When adequate facilities, based on the adopted level of service standard, are not available and no fiscally feasible plan to construct or expand said facilities is proposed, the applicant shall enter into an agreement to construct improvements to the utility providers' potable water system.

Section 130-045: Adequacy of sanitary sewer facilities.

(A) Level of Service. As consistent with the Loxahatchee Groves Comprehensive Plan, the level of service standard for sanitary sewer facilities is the Florida Department of Environmental Protection Permitted Capacity of the facility. The LOS standard for wastewater treatment plants shall be measured by average daily flow. The LOS standard for sanitary sewer facilities provided by Palm Beach County Water Utilities Department is 100 gallons per capita per day. Palm Beach County shall make all adequacy determinations for County owned sanitary sewer utilities.

(B) Mandatory tie-in to existing sanitary sewer facilities. As consistent with the Loxahatchee Groves Comprehensive Plan, all applicants for development permits shall utilize existing sanitary sewer facilities if lines are available as defined by Chapter 10D-6, Standards for Onsite Sewage Treatment and Disposal Systems, Florida Administrative Code (FAC), pursuant to Section 381.0065, Onsite sewage disposal systems; installation; conditions, Florida Statutes. All customers with private septic tanks shall connect to public gravity sanitary sewer collection systems within 365 days of written notice that the service is available, as required by F.S. 381.00655. When adequate facilities, based on the adopted level of service standard, are not available and no fiscally feasible plan to construct or expand said facilities is proposed, the applicant shall enter into an agreement to construct improvements to the utility providers' sanitary sewer system.

Section 130-050: Adequacy of solid waste facilities.

As consistent with the Loxahatchee Groves Comprehensive Plan, all applicants for development permits shall demonstrate adequacy of solid waste disposal sites or facilities prior to occupancy. Adequacy of solid waste disposal sites or facilities can be demonstrated by providing verification of solid waste pickup by a Town contracted solid waste hauler.

Section 130-055: Adequacy of parks and recreation facilities.

(A) Level of Service. The Town's adopted level of service standard for parks and recreation facilities is six acres per every one-thousand population. Approval of a development permit for a residential development shall require a finding that, at a minimum, six acres of park, recreation, and open space is available per one-thousand residents. The Town of Loxahatchee Groves shall make all adequacy determinations for parks and recreation facilities.

Section 130-060: Adequacy of school facilities.

(A) Level of Service. The Town's adopted level of service standard is the school's utilization which is defined as the enrollment as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH). The level of service (LOS) standard shall be established for all schools of each type within the School District as 110 percent utilization, measured as the average for all schools of each type within each

Concurrency Service Area. No individual school shall be allowed to operate in excess of 110% utilization, unless the school is the subject of a School Capacity Study (SCS) undertaken by the School District, working with the Technical Advisory Group (TAG) which determines that the school can operate in excess of 110% utilization. The SCS shall be required if a school in the first student count of the second semester reaches 108 % or higher Capacity. As a result of an SCS, an individual school may operate at up to 120% utilization.

Article 135: Impact Fees.

Section 135-005: Applicability.

(A) This article shall apply to all new land development in the Town which creates an impact on any public facility, as defined in Article 13 of the Palm Beach County Code, to the extent permitted by the Palm Beach County Charter.

Section 135-010: Purpose.

The purpose of this Article of the Loxahatchee Groves Code is to implement Palm Beach County's policies and regulations, as amended from time to time, regarding the collection and administration of impact fees for new development consistent with Article 13 of the Palm Beach County Code.

Section 135-015: Payment of impact fees.

No building permit for any land development requiring payment of an impact fee pursuant to Article 13 of the PBC Code shall be issued until the impact fee has been paid to the County and a copy of the receipt has been provided to the Town. No building permit for any land development requiring payment of an impact fee pursuant to this Article shall be renewed or extended until the impact fee in effect at the time of the renewal or extension has been paid to the County and a copy of the receipt has been provided to the Town; provided, however, that additional impact fees will not be required where the development has completed and passed all applicable rough inspections for the proposed building permit. For those land uses that do not require a building permit, the impact fee shall be paid to the County prior to issuance of a development order that initiates impact on public facilities.

Section 135-020: Exemptions.

The following development shall be exempt from payment of respective impact fees, as applicable:

(A) Any development that results in no new impact on a capital facility for which the impact fee is assessed.

(B) The construction of accessory buildings or structures which will not produce new additional impact on a capital facility over and above that produced by the principal building or use of the land.

(C) For the purpose of School Impact Fees, the construction of adult only residences that meet the Fair Housing Act exemption codified at 42 U.S.C. 3607, as may be amended; provided, however, that the fee payer files a Declaration of Restrictive Covenants prepared and signed by Palm Beach County's Impact Fee Coordinator which prohibits persons nineteen years of age or younger from residing in the residence for more than

sixty days per calendar year. The School Impact Fee Declaration of Restrictive Covenants shall be filed with the Clerk of the 15th Judicial Circuit Court.

(D) The construction of publicly owned and operated governmental buildings or facilities.

(E) All applications for exemption must be approved by Palm Beach County's Impact Fee Coordinator and a notice of exemption shall be provided to the Town.

Section 135-025: Computation of impact fees.

All impact fees shall be computed as required in Article 13 of the Palm Beach County Code, as amended, subject to Ch. 153.31801, F.S. as may be amended from time to time.

Section 135-030: Administration of impact fee program and regulations; deferment to Palm Beach County Code.

All further rights, responsibilities, exceptions, requirements, and rules concerning the collection and administration of impact fees shall be outlined in Article 13 of the Palm Beach County Code, as amended, and which is hereby adopted by the Town of Loxahatchee Groves.

Article 140: Subdivision of Land

DIVISION I: PLATTING

Section 140-005: Purpose and intent.

The purpose and intent of this division is to:

- (A) Establish procedures and standards for the subdivision of real estate;
- (B) Ensure proper legal description, identification, monumentation and recording of subdivisions;
- (C) Aid in the coordination of land development with on- and off-site improvements; and
- (D) Ensure provision of adequate utilities to support development of each lot;

Section 140-010: Applicability.

No building permit for the construction of a principal building on a parcel of land in the Town shall be issued unless a plat including such parcel has been approved by the Town Council and recorded by the Clerk of Circuit Court in and for Palm Beach County unless:

- (A) The parcel was a lot of record existing prior to the date of adoption of this Article.
- (B) The parcel was issued a certificate of conformity by the Town of Loxahatchee Groves pursuant to Division II of this Article.

Section 140-015: Platting required.

(A) No subdivision of land in the Town of Loxahatchee Groves that meets the criteria below shall occur until the town council approves a plat of such subdivision, and the plat is subsequently recorded in the public records of Palm Beach County, Florida in accordance with the requirements of this Article.

- (1) Any subdivision of land creating more than four lots.
- (2) Any subdivision of land that creates a lot which will require access from a private street pursuant to Article 100, "Access Standards and Subdivision".
- (3) Any subdivision of land within a non-residential zoning district.

Section 140-020: Required improvements and installation.

The adequacy of necessary public or private facilities and services for traffic and pedestrian access and circulation, public schools, solid waste, wastewater disposal,

potable water supply, stormwater management, fire-rescue, parks and recreation and similar facilities and services, and potential adverse impacts on adjacent land uses and facilities shall be considered in the review of all subdivision proposals which require platting. No Final Plat shall be recorded until all required improvements set forth in this Article are either completed in accordance with the standards of this Code or are guaranteed to be completed by the developer in accordance with an approved developer agreement.

Section 140-025: Site suitability.

Any subdivision of land unsuitable for the proposed type or extent of development shall not be approved unless adequate methods of correction or mitigation are formulated and approved by the Town. All lands subdivided shall be of sufficient land area to comply with the density and intensity standards contained in the Future Land Use Element of the Town of Loxahatchee Groves Comprehensive Plan and shall satisfy the minimum plot size and dimension requirements contained in Part II of this Code. Any subdivision of land proposed shall be in the proper zoning district and have the necessary approvals required for the intended use prior to platting.

Section 140-030: Plat submittal requirements.

In addition to the application submission requirements of Article 110, "General Application Requirements," all plat applications shall be submitted along with the following materials.

(A) Plat drawing. an application for plat approval shall be accompanied by a plat drawing, the overall size of which shall be twenty-four inches by thirty-six inches (24" X 36"), drawn at a standard engineering scale no smaller than one inch equals one hundred feet (1" = 100') except when a smaller scale is approved by the Town Manager, and which shows the following:

(1) Proposed subdivision name or identifying title. Such name shall not be the same or in any way so similar to any name appearing on any recorded plat in Palm Beach County as would confuse the records or mislead the public as to the identity of the subdivision, except when an existing subdivision is subdivided as an additional unit or section by the same developer or his successors in title.

(2) A plat location sketch showing the plat in relation to a nearby intersection of two arterial, collector or other well-established existing roadways.

(3) North arrow, scale and date.

(4) Lots and blocks of adjacent recorded plats, giving plat book and page number along with names of such plats.

- (5) All existing streets and alleys on or adjacent to the tract, including name and right-of-way width.
- (6) The legal description of the property being platted.
- (7) All existing easements and rights-of-way within the plat limits with the purpose and the instrument of record labeled.
- (8) Location and width of all proposed and required ultimate rights-of-way, alleys, easements; proposed lot lines with dimensions, public areas, and parcels of land proposed or reserved for public use.
- (9) Space for signature of the Mayor.
- (10) Space for the Town Clerk's signature and Town Seal.
- (11) The parcel encompassed by the legal description shown on the plat shall be clearly identified with a heavy line, and shall show dimensions, and either bearings or interior angles of said parcel with independent ties to two or more land corners, or independent ties to a recorded subdivision, and one land corner. When a case arises, where it is impractical to tie to a land corner because of lost or destroyed monuments, and the parcel can be adequately surveyed independent of said land corners, then the following points will be considered acceptable as land ties: Block Corners, Permanent Reference Monuments, or Permanent Control Points from a previously recorded plat. The use of these types of land ties shall be subject to approval by the Town.
- (12) Space for plat book and page number outside the border in the upper right hand corner of each page.
- (13) Notes or legend, and any tabular data or other data pertinent to the plat, on each page that contains the drawing.
- (14) Dedication and acknowledgment language.
- (15) Mortgagee approval and acknowledgment language.
- (16) All plat dimensions shall be shown accurate to one-hundredths of a foot, except for riparian boundaries, which may be shown as approximate with a witness line showing complete dimension data. Rows of lots with the same dimensions may use ditto marks providing the first and last lots in the row are appropriately dimensioned.
- (17) Computation of the square footage of each parcel of land and the acreage of the land proposed to be platted, which shall be accurate to the nearest square foot. All survey and survey information shall be certified by a registered surveyor and mapper licensed in the State of Florida.

(18) At least two benchmarks referenced to the National Geodetic Vertical Datum of 1929. No benchmark shall be established purporting to be based on the National Geodetic Vertical Datum unless the benchmark is certified by a registered surveyor and mapper licensed in the State of Florida and such certification is shown on the plat. The benchmarks shall be of a permanent nature, easily accessible, located within, along or within two-hundred feet of the plat boundary and described by ties to the plat boundary. The plat shall list in the plat notes the governmental benchmark from which the plat benchmarks were established. Only benchmarks established by federal, state, county or municipal governments shall be acceptable as the starting benchmark.

(19) The plat shall show grid bearings or azimuths, with state plane coordinates shown on all permanent reference monuments and all land ties where the plat lies within sections assigned state plane coordinates that have been recorded in the public records of Palm Beach County. Coordinates may be tabulated when necessary for legibility, and must appear on each page that contains the drawing. State plan coordinates shall be derived from field measurements in conformity with the Minimum Technical Standard for Land Surveying pursuant to Chapter 21, Section 21HH-6, Florida Administrative Code, adopted by the Florida Board of Land Surveyors, September 1, 1981, as may be amended from time to time.

(20) A mathematical closure of the plat boundary shall not exceed three hundredths (.03) of a foot.

(21) Space for approval of water control district, special improvement district, or taxing district, as applicable.

(B) A conceptual access plan, drawn at a standard engineering scale no smaller than one inch equals one hundred feet (1" = 100'), except when a smaller scale is approved by the Town Manager, which shows the following:

(1) The location of the centerline, with dimensions from known land ties, such as section lines or centerlines of right-of-way, of all proposed access locations on all public rights-of-way abutting the plat.

(2) The number and direction of lanes proposed for each driveway or roadway access location.

(3) The proposed minimum distance from the ultimate right-of-way line from the adjacent roadway to the outer edge of any interior service drive or parking space with direct access to the driveway in the access location.

(4) The proposed minimum distance from the ultimate right-of-way line from the adjacent roadway to any proposed gate location.

(C) A current survey, no older than six months, certified by a registered Surveyor and Mapper, which shows the following:

- (1) All information necessary for preparation of the plat as required in (A), above.
- (2) The location of all existing structures, paved areas and easements on and abutting the property, including the edge of pavement of all abutting streets.
- (3) Existing roadway details adjacent to the property including rights-of-way, pavement widths, sidewalks, driveways (curb cuts), curb and gutter, turn lanes, bus bay, medians, median openings, traffic signals and signal equipment, street lights, pull boxes, utility poles and utility equipment, drainage structures, and fire hydrants.
- (D) An application for plat approval which abuts a roadway facility that is functionally classified as a State Road and which proposes direct vehicle access to the State Road, shall also be accompanied by a valid Pre-Application approval letter from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System and Standards," as may be amended from time to time.
- (E) The original plat linen drawing prepared pursuant to Chapter 177, Florida Statutes, as may be amended from time to time, containing all items required herein, and all original signatures required for the executed dedication and acknowledgment and the executed mortgagee approval and acknowledgment shall be provided prior to Town Council consideration of the plat.
- (F) The original signatures of the applicable water control district shall be required on the original plat linen prior to Town Council consideration of the plat.
- (G) An original title certificate or an attorney's opinion of title with all exceptions. The title certificate or attorney's opinion of title shall:
 - (1) be based upon a legal description that matches the plat.
 - (2) be based upon a search of the public records within forty-five days of submittal.
 - (3) contain the names of all owners of record.
 - (4) contain the names of all mortgage holders and if there are no mortgages, it shall so state.
 - (5) contain a listing of all easements and rights-of-way lying within the plat boundaries, and if there are none, it shall so state.
 - (6) contain a listing of all easements and rights-of-way which abut the plat boundaries and are necessary for legal access to the plat, and if there are none, it shall so state.

(H) A CD-ROM containing an electronic copy of the plat in final form to be considered by the Town Council, in a format acceptable to the Town Clerk, to be provided prior to Council consideration of the plat.

Section 140-035: Platted reservations and dedications.

(A) All streets, alleys, easements, rights-of-way, parks, school sites and public areas shown on an accepted and recorded plat, unless otherwise stated, shall be deemed to have been dedicated or granted, as appropriate, to the public for the uses and purposes thereon stated. Approval and execution of the recorded plat by the Town Council shall constitute, unless otherwise stated, an acceptance of said offer to dedicate, grant or reserve.

Reservations must be clearly indicated as such, and must include the word "reservation," to whom it is reserved and for what purpose.

(B) Dedication to the public of all roads, streets, alleys and other thoroughfares, however designated, shall be for the perpetual use of the public for the full width of such roads, streets, alleys and other thoroughfares, and shall be made by all persons having any interest in any and all the lands abutting on such roads, streets, alleys or other thoroughfares.

Dedications must be clearly indicated as such, and must include the word "dedication," to whom it is dedicated and for what purpose.

Section 140-040: Procedure.

(A) At a regularly scheduled public meeting, the Town Council shall review the application for conformity to the ULDC and shall act upon the application. The Town Council shall make one of the following determinations:

(1) That the application is in compliance with the applicable standards and minimum requirements of this Code or that vested rights exist with regard to any noncompliance, in which case the Town Council shall adopt a development order granting approval of the application;

(2) That the application is not in compliance with the applicable standards and minimum requirements of this Code, in which case the Town Council shall adopt a development order denying the application; or

(3) That the application is not in compliance with the applicable standards and minimum requirements of this Code, but conditions have been determined by the Town Council to be reasonably necessary to ensure compliance with the applicable standards and minimum requirements of this Article, and that vested rights exist with regard to any noncompliance, in which case the Town Council shall adopt a development order granting approval of the application with said conditions.

(B) Approval shall be by resolution of the Town Council.

Section 140-045: Recording.

(A) No plat shall be recorded hereafter unless it shall bear the following signatures on behalf of the Town of Loxahatchee Groves: Mayor on behalf of the Town Council, attestation by the Town Clerk, and final signoff of the Town Manager once any conditions of approval have been met and the plat is in final form and ready for recordation.

(B) Necessary Documents and conditions. Prior to the final Town signoff on the plat, an applicant shall furnish the Town with those documents and materials necessary to evidence and ensure compliance with such requirements, standards, restrictions or conditions of this Article, and conditions of approval, as requested by the Town. Such documents and materials may include, but are not limited to, updated opinion of title, bonds or other security, agreements, restrictive covenants, payment of impact fees, deeds, and easements, if evidence of compliance with such requirements, standards, restrictions or conditions is not appropriately contained in the development order or on the plat to be recorded.

(C) Digital Information. Prior to recording the plat, an applicant shall furnish the Town with a digital file in a PDF format.

(D) All plats shall be recorded by the Clerk of Circuit Court in and for Palm Beach County.

DIVISION II: CERTIFICATE OF CONFORMITY.

Section 140-055: Purpose and intent.

The purpose and intent of this division is to:

- (A) Establish procedures and standards for the subdivision of real estate; and
- (B) Aid in the coordination of land development with on- and off-site improvements; and
- (C) Ensure lot size and dimension meet standards of this Code; and
- (D) Ensure access is provided to support development of each lot.

Section 140-060: Application requirements.

In addition to the application submission requirements of Article 110, “General Application Requirements,” all applications for a certificate of conformity shall be submitted along with the following materials.

- (A) Current, sealed survey showing the entire tract to be subdivided, and the delineation of the proposed lot(s), including dimensions and area calculations measured both in square footage and acreage, and showing all existing and proposed rights-of-way and easements.
- (B) Current warranty deed.
- (C) Access agreements/arrangements as required under Article 100, “Access Standards and Subdivision” fully executed by the property owner and other necessary third-party signatories with recording fee.

Section 140-065: Process for review and approval.

All certificates of conformity shall be reviewed and approved administratively. The Town shall issue a Certificate of Conformity development order upon determination the proposed subdivision satisfies all applicable ULDC requirements.

Article 145: Administrative Appeals

Section 145-005: Applicability.

Any person affected by a written administrative decision rendered by the Town Manager, Town personnel or consultants relating to any provision of the ULDC, which person believes the decision has been rendered in error, may appeal the decision according to the procedure established within this Article.

Section 145-010: Submission requirements.

In addition to the application submission requirements of Article 110, "General Application Requirements," an application for an administrative appeal shall include the items and information listed below.

- (A) The ruling of the administrative official being appealed;
- (B) The name and position of the administrative official;
- (C) The date of the final ruling or rendition of the order.
- (D) The section and subsections of the ULDC upon which the ruling was based;
- (E) The reason the affected party believes the decision is erroneous and the reason that a variance or other form of relief is not required instead.

Section 145-015: Procedure.

(A) An appeal from any order, requirement, decision, or determination made by the Town Manager, Town personnel or consultant may be appealed by notifying the Town Manager and Town Attorney, in writing that the applicant is appealing the administrative decision. The notification shall be received no later than thirty calendar days after the administrative decision is rendered. If the notification is not received within thirty calendar days after rendition of the decision, the applicant is deemed to have waived the right to challenge the decision.

(B) Upon receipt of a timely notice of appeal, the appeal shall be assigned to the Town Council at one of the next two regularly scheduled Town Council Meetings unless an extension of time is requested or agreed to by the applicant. The Town Council shall be given a copy of the evidence previously presented as well as the administrative findings. After reviewing all of the evidence by staff and the applicant, and after conducting a properly noticed quasi-judicial public hearing to review the petition in accordance with Article 120, "Quasi-Judicial Hearings," the Town Council shall make a final determination based on the evidence presented and the applicable criteria set forth below.

(C) Nothing in this Article shall prohibit the Town Manager from reconsidering and reversing the administrative decision at any time prior to the start of the hearing before the Town Council.

(D) Notice. Notice shall be given to the general public in accordance with Florida law and in accordance with the Town's notice requirements.

E) Application Fee. There shall be an application fee for all administrative appeals. The amount of the application shall be set by the Town Manager as that amount required to reimburse the Town for all expenses associated with the petition plus the costs incurred by the Town. The application fee shall be paid at the time the petition is filed and is a condition of the Town Council holding the required public hearing.

(F) The Town Council shall have the authority to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination made by the Town Manager in the interpretation or enforcement of any provision of the ULDC. The Council shall have all the powers of the Town Manager from whose decision the appeal is taken.

Section 145-020: Criteria for appeals of an administrative decision.

In rendering a decision relating to an appeal from an administrative decision, the Town Council shall consider the following:

(A) Whether there exists an error or ambiguity which must be corrected;

(B) The general intent of the section of the Code which is the subject of the appeal;

(C) The impact of any finding on the surrounding community;

(D) The testimony and submittals of any applicant, their counsel, agents, representatives, or witnesses; and

(E) The testimony and submittals of the Town Manager, Town personnel, or consultant, his or her counsel, representatives, or witnesses.

Section 145-025: Refunding application fee.

In the event the Town Council modifies or reverses the administrative ruling or decision where it was alleged by the affected person or applicant that there was error in an order, requirement, decision or determination made by an administrative official in the enforcement of the ULDC, then in that event, upon the entry of such order and execution thereof having been filed with the Town Clerk, the Clerk shall cause a voucher to be drawn and the filing fee paid by such applicant or affected person shall be refunded to him.

Article 150: Variances.

Section 150-005: Generally.

(A) No approval shall be given for a proposed development containing any element in conflict with the Town Code. Any such conflict shall be resolved prior to the issuance of any development order or permit by amending the development application or, if applicable, obtaining a variance pursuant to the requirements of this Article.

(B) The Town Council shall conduct public hearings, take testimony, and review documentary evidence submitted by parties requesting a variance from the terms of the ULDC as set forth herein.

Section 150-010: Authority.

(A) The Council shall have the authority to grant a variance to provisions of the ULDC relating to the following:

- (1) height
- (2) yards
- (3) parking and loading
- (4) landscaping and buffers
- (5) separation of uses
- (6) plot coverage
- (7) such other provisions of the Code which do not specifically prohibit such requests

(B) No variance request may be acted upon by the Town Council that would allow a use which is specifically or by inference prohibited in any zoning district classification, including an increase in density, or any provisions for which the ULDC specifically prohibits waiver or modification.

(C) Applications for variances will not be considered with respect to the following:

- (1) Where plans have been submitted and approved and permits issued, but additional work not shown on the approved plans has been performed.
- (2) Where a property has been subdivided and as a result an existing structure is in violation of the provisions of this Code.

Section 150-015: Procedure.

(A) Filing of application. Applications for variances may be filed by any property owner substantially aggrieved by the literal enforcement of the regulations set forth in Section 150-010(A), above. Applications shall be filed on forms provided by the Town and shall be submitted to the Town Manager.

(B) Review and scheduling of petition for public hearing; Upon receipt of a completed application, and upon receipt of any additional documentation that the Town may request, the Town Manager shall review the application and prepare a report which, at a minimum, details the facts and circumstances pertaining to the variance request. Upon completion of such report, the variance request shall be duly advertised and scheduled before the Town Council, at the next available Regular Council Meeting.

(C) Notice. Notice shall be given to the general public in accordance with Florida law and in accordance with the Town's notice requirements.

(D) Application fee. There shall be an application fee for each variance request. The amount of the application shall be set by the Town Manager as that amount required to reimburse the Town for all expenses associated with the petition plus the costs incurred by the Town. The application fee shall be paid at the time the application is filed and is a condition of the Town Council holding the required public hearing.

(E) Public hearing procedure. The Town Council shall hear the petition for a variance pursuant to the Town's quasi-judicial procedures set forth in Article 120.

(F) Burden of proof under quasi-judicial procedures. In making a presentation, the petitioner shall bear the burden of demonstrating by competent substantial evidence that the evidence on the record demonstrates that the relief sought should be granted.

(G) Recordation. The Town Council's decision concerning approval of any variance application shall be recorded in the public records of Palm Beach County, Florida at the expense of the applicant.

Section 150-020: Considerations for variances.

A variance will not be contrary to the public interest where the applicant has demonstrated by competent substantial evidence that the following criteria are met:

(A) That special conditions and circumstances exist which are unique to the property in question, or to the intended use of the property, that do not generally apply to other properties in the same zoning district;

(B) That any alleged hardship is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above;

(C) That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and an undue hardship;

(D) That the variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district;

(E) That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Section 150-025: Conditions and limitations.

In authorizing any variance, the Town Council may prescribe reasonable conditions and limitations that are reasonably necessary to mitigate any impact the variance may have on the surrounding neighborhood. A violation of any condition or limitation, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Code and shall serve as grounds for the termination of the variance.

Section 150-030: Time limits.

(A) A variance shall automatically expire under the following conditions:

(1) If a permit or development order has not been issued by the Town within six months from the date the variance was granted.

(2) If a Town development order expires.

(3) If a permit issued within the required time period has expired or has been revoked pursuant to the Florida Building Code, as may be amended from time to time.

(4) If a permit or development order is issued within the required time period, if work has not been completed and a certificate of occupancy, or final inspection for uninhabitable structures or improvements, has not been issued under that permit within a reasonable time.

(5) If the conditions and limitations of the variance have not been satisfied.

(B) It shall be the responsibility of the property owner to ensure that a variance does not expire.

(C) The applicant shall be granted an extension to an expiring variance for a single one-year period, or a portion of a year, upon the Town Manager's receipt of a written request not less than forty-five days before the expiration of the approved variance, stating the

reasons for the extension request, and providing that the Manager finds that the applicant requires the extension for reasons beyond the applicant's control. The Manager shall determine the length of the extension based upon the nature of the circumstances resulting in the request for extension.

(D) Whenever the Town Council has taken action to reject a variance, the Council shall not consider any further request for the same variance on any part of the same property for a period of six months from the date of such action, unless the time period is waived by four affirmative votes of the Town Council in order to prevent injustice or to facilitate the proper development of the Town.

Article 155: Site Plans.

Section 155-005: Mandatory site plan approval.

Approval of a site plan or site plan modification is required prior to any development of land in the Town, except as follows:

(A) Development of up to four single-family residences on adjacent plots provided that no subdivision sign or community entry feature is proposed.

(B) Administratively approved modifications to approved site plans, limited to the following, provided no variance is required for the modification or that the modification does not violate any condition of site plan approval, and further provided that the modification does not change any verbal commitment or representation from the applicant, agent or owner made at the public hearing or in the application, or other understanding upon which approval may have been based:

- (1) Relocation or substitution of landscaping materials.
- (2) Minor architectural modifications including the addition of awnings and canopies.
- (3) Construction of bus stop shelters.
- (4) Erection of signs.
- (5) Diminution in size of a structure.
- (6) Demolition of a structure.
- (7) Waterbody maintenance activities.
- (8) Subdivision of land.
- (9) Road maintenance activities. A permit is required under Section 05-040.

(10) Clearing or excavation of land. A permit is required under Section 05-040.

Section 155-010: Submission requirements.

In addition to the application submission requirements of Article 110, "General Application Requirements," an application for site plan approval or modification shall include the items and information listed below. The overall size of the site plan shall be twenty-four inches by thirty-six inches (24" X 36"), drawn at a scale not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is permitted by the Town Manager. The Manager may waive a submittal requirement if, in the Manager's opinion, it is not necessary for proper evaluation of a proposed site plan due to the limited scope of the proposal or the existence of previously submitted information that satisfies a submittal requirement.

(A) A recent survey prepared by a Florida registered surveyor and mapper, certified as to meeting the requirements of the applicable section of the Florida Administrative Code, providing a legal description, including the section, township and range, and reflecting existing natural features, such as topography--with elevations provided on a minimum one-hundred foot grid, including elevations of adjacent land within twenty-five feet of the proposed site plan, existing vegetation including scientific name, caliper and size of crown, existing paving, existing structures within the subject site and on adjacent properties within one-hundred feet of the subject site including dimensions to property lines and use of the structures, rights-of-way and easements within and abutting the development site including the dedication instruments, and water bodies including top of bank and edge of water.

(B) The following computations:

(1) Acreage

(2) Number of dwelling units and density (for residential uses only).

(3) Individual and total square footage of building area, and square footage and percentage of ground covered by roofed buildings or structures and designation of use for each.

(4) Required number of parking spaces, loading and stacking spaces, including calculations.

(5) Number of existing, proposed and total existing and proposed parking, loading and stacking spaces provided.

(6) Pervious, impervious and paved surface, in square footage and percentage.

(C) Site boundaries clearly identified, and ties-to-section corners.

- (D) Existing and proposed land uses and existing uses of adjacent land.
- (E) Location and height of all structures and total floor area categorized by use, with dimensions to lot lines, and designations of use.
- (F) Building separation measurements.
- (G) Vehicular circulation system for cars, bicycles and other required vehicle types, with indication of connection to public rights-of-way.
- (H) All adjacent public and private rights-of-way and easements, with indication of ultimate right-of-way line, centerline, width, pavement width, existing median cuts and intersections, street light poles and other utility facilities and easements.
- (I) Pedestrian circulation system.
- (J) Provider of water and wastewater facilities.
- (K) Existing and proposed fire hydrant locations.
- (L) Indication of existing native vegetation that will be preserved, as required herein.
- (M) Site plan location sketch, including section, township, and range.
- (N) Geometry of all paved areas including centerlines, dimensions, radii and elevations.
- (O) Location of trash and garbage disposal system and provisions for accessibility to garbage trucks.
- (P) Location, dimensions, clearances and access of all required and proposed parking and loading areas.
- (Q) Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type.
- (R) Location of all drainage features, and retention/detention areas, if any.
- (S) Schematic water, sewer, paving and drainage plan including the location of all mains and lift stations (note: Final engineering plans must be submitted and approved prior to the issuance of a building permit). Preliminary surface water management calculations must be provided unless waived by the Town Engineer.
- (T) Location of septic tank and drain field, if applicable.
- (U) A landscape plan demonstrating compliance with Article 85, "Landscaping."

- (V) A parking facility lighting plan and a street lighting plan, if applicable.
- (W) Floor plans and elevation drawings of all nonresidential buildings and structures.
- (X) Street names and addresses, or a range of addresses, for any proposed building within the site plan, in conformity with Town standards.
- (Y) An application for site plan approval which abuts a roadway that is functionally classified as a State Road and which proposes direct vehicle access to the State Road, shall also be accompanied by a valid Pre-Application approval letter from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System and Standards," as amended.
- (Z) Additional documentation for non-residential site plans. An applicant for site plan approval for a non-residential use shall provide written documentation with the application demonstrating the specific measures that will be taken to prevent or minimize impacts upon adjacent residential plots within two-hundred and fifty feet of a boundary of the site plan. These impacts include the effects of excessive noise, objectionable odors, visible emissions, particulate matter (including dust, smoke, soot, and aerosols), solid wastes, hazardous wastes, fire and explosion. Specific measures include but are not limited to the provision of setbacks, buffers, landscaping, fencing, walls, and/or other measures as required by the ULDC.

Section 155-015: Procedure.

- (A) The various Town disciplines, applicable water control district, fire marshal, and other coordinating agencies shall review the site plan in accordance with procedures and timeframes adopted by the Town.
- (B) Notice. Notice shall be given to the general public in accordance with Florida law and in accordance with the Town's notice requirements.
- (C) Application fee. There shall be an application fee for all reviews of site plans and site plan modifications. The amount of the application fee shall be set by the Town Manager as that amount required to reimburse the Town for all expenses associated with the petition plus the costs incurred by the Town. The application fee shall be paid at the time the petition is filed and is a condition of the Town Council holding the required public hearing.
- (D) The Town Council shall conduct a quasi-judicial public hearing and act on the site plan application as provided by law.

Section 155-020: Substantive requirements.

- (A) Conformance to the approved and/or recorded plat, if applicable.

(B) Consistency with the Town of Loxahatchee Groves' Comprehensive Plan.

(C) Conformity to the Town of Loxahatchee Groves ULDC.

(D) Conformity to the water control district's requirements and regulations.

Section 155-025: Site plan modification.

If an applicant's development plans change after receiving site plan approval, the applicant shall file an application for revised site plan approval with the Town Manager for Town Council consideration, unless Section 155-005(B) exempts the proposed modification from this process. Site plan modification submission requirements are identical to those for site plan approvals. The Town Manager may waive certain submission requirements if deemed unnecessary for review of the modification, based upon the principles established within this Article.

Section 155-030: Effect of approval.

An approved site plan shall be effective until the development is completed, but shall be null and void if a building permit for a principal structure is not issued within one year from the date of site plan approval. The Town Council may grant one extension not to exceed six months duration upon demonstration of hardship and intent to proceed.

Article 160: Rezoning

Section 160-005. Applicability.

This article specifies the process for changing the zoning map designation of a land in the city. The application and fee requirements of this article shall not apply to Town-initiated rezonings.

Section 160-010. Supplemental application requirements.

In addition to the general application requirements, the applicant shall provide an explanation of how the rezoning is in accordance with the review criteria of Section 160-020 of this Article.

Section 160-015. Rezoning process.

- (A) The Town Manager shall review the application and prepare written findings.
- (B) Public notice shall be made in accordance with Article 115.
- (C) All rezonings shall be heard by the Local Planning Agency, which shall make a recommendation to the Town Council.
- (D) The Town Council shall consider the application, the staff findings, the recommendation of the local planning agency, and the information presented during the public hearing.
- (E) The Town Council may approve or deny the application for rezoning based upon the review criteria of Section 160-020.
- (F) All rezoning applications shall be processed as ordinances of the Town.
- (G) A rezoning shall take effect at the time provided in the ordinance approving the rezoning.
- (H) Rezoning applications are matters that the Town Attorney may determine to be, based upon the circumstances, quasi-judicial in nature as defined by Section 120-020, "Ex Parte Communications on quasi-judicial proceedings prohibited". All matters which are defined as quasi-judicial in nature shall utilize the quasi-judicial hearing procedures set forth therein. The petitioner shall bear the burden of providing competent substantial evidence that the rezoning should be granted.

Section 160-020. Review criteria; Town Council action.

- (A) An application for a rezoning shall be reviewed in accordance with the following criteria:

- (1) The request is consistent with the Town's comprehensive plan; and
- (2) The request would not give privileges not generally extended to similarly situated property in the area, or result in an isolated district unrelated to adjacent or nearby districts; and
- (3) An error or ambiguity must be corrected; or
- (4) That there exists changed or changing conditions which make approval of the request appropriate; or
- (5) That substantial reasons exist why the property cannot be used in accordance with the existing zoning; or
- (6) That the rezoning is appropriate for the orderly development of the Town and is compatible with existing and conforming adjacent land uses, and planned adjacent land uses.

(B) The Town Council shall decide on the application by:

- (1) Approving the application by ordinance; or
- (2) Approving by ordinance a modified version of the amendment that may be less restrictive than the current zoning district but more restrictive than the district requested in the application.
- (3) Approving the application by ordinance subject to stipulations volunteered from the applicant that restrict the uses or standards to which the property can be developed under the requested zoning.
- (4) Deny the amendment.

Section 160-025. Withdrawal of a rezoning application.

An applicant may withdraw an application for rezoning at any time prior to a final vote by the Town Council on the application. If two (2) applications for rezoning of the same land are withdrawn by the same applicant within one (1) year, no other application to rezone the tract of land shall be considered by the Town for at least one (1) year after the date of withdrawal of the second application.

Section 160-030. New application after denial.

No application for a rezoning that has been previously denied by the Town Council shall be accepted for at least one (1) year after the date of denial. This prohibition shall not apply to an application for a zoning designation that is different than the designation that was previously applied for and denied.

Article 165: Comprehensive Plan Map Amendments

Section 165-005: Purpose.

This Article governs the processing and consideration of amendments to the Town of Loxahatchee Groves Future Land Use Plan Map.

Section 165-010: Application submission requirements.

In addition to the application submission requirements of Article 110, “General Application Requirements”, an application for Comprehensive Plan map amendments shall include the items and information listed below.

- (A) Proposed future land use map designations.
- (B) Indication of the public need for the proposed future land use.
- (C) Indication of why the proposed location is the most suitable for the future land use proposed.
- (D) Indication of how the proposed future land use will further the Town’s goals and objectives adopted in the Comprehensive Plan.
- (E) Analysis of impacts to surrounding properties if proposed land use plan map amendment is adopted.
- (F) Supporting data and analysis.

Section 165-015: Processing.

- (A) The Town shall process applications for amendment to the Future Land Use Plan Map in accordance with Chapter 163.3184, 163.3187 and 163.3189 F.S., and Rule 9J-11, F.A.C. as may be amended from time to time.
- (B) Notice. Notice shall be given to the general public in accordance with Florida law and in accordance with the Town’s notice requirements.
- (C) All requests pertaining to land use plan amendments shall first come before the Town’s Local Planning Agency who shall provide a recommendation to the Town Council.

Section 165-020: Intergovernmental coordination and review.

Upon determination that the application is complete, the Town Manager shall notify the Intergovernmental Plan Amendment Review Committee (IPARC) of the proposed land

use amendment pursuant to the Plan Amendment Coordinated Review Interlocal Agreement.

Section 165-025: Considerations.

Plan amendment applications are considered legislative actions, and are governed accordingly, and should be internally consistent with the policy of the Town as set forth in the goals, objectives and policies of the Comprehensive Plan.

Article 170: Special Exception Uses

Section 170-005: Purpose.

Special exception uses may be compatible with the other land uses permitted in a zoning district but, because of their unique characteristics and potential impacts on the surrounding neighborhood and the Town as a whole, require individual review of their location, design, configuration, and/or operation in order to ensure that the use is appropriate at a particular location.

Section 170-010: Applicability.

This Article specifies the procedure processing and disposition of applications for special exception uses as set forth in the schedule of district regulations.

Section 170-015: Supplemental application requirements.

In addition to the general application requirements, the applicant shall provide the following materials:

- (A) The existing and proposed use of the property
- (B) The existing use, zoning, and land use designations of lands within fifteen hundred feet (1,500) feet of the subject property
- (C) A site plan meeting the requirements of Article 155, "Site Plans".
- (D) Any other information as may be required for a determination of the nature of the proposed use and its consistency with the criteria for the approval of a special exception use.

Section 170-020: Special exception use procedures.

- (A) Public notice shall be made in accordance with Article 115, "Public Hearing Notices".
- (B) All special exception uses and their related accessory uses including enlargement or modification of an existing special exception use require the authorization of the Town Council. The paragraphs will automatically re-letter once B is deleted.
- (C) Special exception uses are matters that are quasi-judicial in nature as defined by Section 120-020: "Ex parte communications on quasi-judicial proceedings prohibited". All matters that are defined as quasi-judicial in nature shall utilize the quasi-judicial hearing procedures set forth therein. The petitioner shall bear the burden of providing competent substantial evidence that the special exception use should be granted.

Section 170-025: Special exception use review standards; Town Council action.

(A) The Town Council shall review the application to determine whether the special exception use complies with the following standards:

- (1) That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located.
- (2) That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning.
- (3) That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities.
- (4) That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- (5) That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community.
- (6) That the use will not have a detrimental effect on vehicular, pedestrian or equestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community.
- (7) That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.
- (8) That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the comprehensive plan.
- (9) That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.
- (10) That the use will not overburden existing public services and facilities.

(B) The Town Council may deny the application, approve it, or approve it with conditions. In issuing its decision to grant a special exception, the Town Council may place more restrictive requirements and conditions on applicants than are provided in

the code when the conditions are based upon site considerations and its use, and the potentially resulting impacts upon the surrounding area or zoning district where the subject property is located.

Section 170-030: Modification of special exceptions.

- (A) If the applicant wishes to amend a special exception use approval, the proposed amendment shall be processed and reviewed in accordance with the procedures set forth in this Article for new special exception uses.

Section 170-035: Expiration of special exceptions.

- (A) The Town Council may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both; provided, that in the absence of such time limit, a special exception approval shall expire unless:
- (1) The applicant submits all development permit applications and construction drawings (if applicable) that are necessary to establish the special exception use within twelve (12) months of Town Council approval, and
 - (2) The applicant obtains all necessary development permits (including payment of all fees) within eighteen (18) months of Town Council approval; and
 - (3) The development permits remain valid until the project is complete; and
 - (4) The conditions and limitations of the special exception are satisfied.
- (B) It shall be the responsibility of the property owner to ensure that a special exception approval does not expire.
- (C) The Town Council may grant an extension if the applicant submits the extension request within thirteen (13) months of the date of Town Council approval and the applicant can demonstrate good cause for the delay. Good cause may include, but shall not be limited to, delay caused by governmental action or inaction or other factors beyond the control of the applicant.

Section 170-040. Effect of approval or denial.

- (A) The use for which a special exception has been granted by the Town Council shall not be commenced by the owner, his or her agent or lessee until such time as the decision is deemed to be final (i.e., all appeal times have expired) and all of the improvements stipulated in the grant of special exception necessary for the orderly use of the property have been accomplished.
- (B) Approval of a special exception use shall run with the use once established (i.e., not expired or revoked) unless otherwise stipulated as a condition of approval.

- (C) Upon denial of an application for a special exception use, there shall be a two (2) year waiting period before any applicant may submit an application for the same or substantially similar application and for the same property as that which was initially denied.
- (D) Whenever the Town Council has taken action to approve a special exception use, the commission shall not consider any application to modify the conditions of approval for a period of twelve (12) months from the date of such action, unless the commission waives the time period in order to prevent injustice.